FEDERAL REGISTER

VOLUME 6 NUMBER 63

Washington, Tuesday, April 1, 1941

The President

CONTROL OF THE EXPORT OF CERTAIN ARTICLES AND MATERIALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense", approved July 2, 1940, provides as follows:

SEC. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportations, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued thereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than $10,000.00 or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after April 15, 1941, the following-described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation 2413 of July 2, 1940,[1] entitled "Administration of section 6 of the act entitled 'AN ACT To expedite the strengthening of the national defense' approved July 2, 1940":

1. Animal, fish and marine mammal oils, fats and greases, edible and inedible.
2. Vegetable oils and fats, edible and inedible.
3. Vegetable oilseeds, and vegetable and other oil-bearing raw materials.
4. Fatty acids.
5. Bristles.
6. Nux vomica.
7. Nylon.
8. Kapok.
9. Purified wood pulp containing 80% or more alphacellulose.
10. Cork.
11. Carbon electrodes.
12. Petrolatum.
13. Alkyd resins.
14. Explosives, in addition to those listed in Proclamation 2237 of May 1, 1937.
15. Detonators and blasting caps.
16. Naphthalene.
17. Phenol.
18. Aniline.
19. Phthalic anhydride.
20. Dibutyl Phthalate.
21. Diethyl Phthalate.
22. Dipropylphthalate.
23. Omega Chloroacetophenone.
24. Styrene.
25. Nitroderivatives of benzene, toluene, xylene, naphthalene, and phenols in addition to those specified in the proclamation of May 1, 1937.
26. Strychnine and salts thereof.
27. Polymers and copolymers of butadiene, acrylonitrile, butylene, chloroprene, styrene, vinylidene, chloride, and synthetic rubber-like compounds, fabricated or unfabricated.
28. Chloropicrin.
29. Tartaric acid.
30. Rochelle salts.
31. Cuprous oxide.
32. Acetic aldehyde.
33. Pentaerythrite.
34. Formaldehyde.
35. Nitroguanidine.
36. Guanidine nitrate.
37. Dicyanodiamide.
38. Monochloroacetic acid.
39. Chloroacetyl chloride.
40. Thiodiglycol.

[1] 5 F.R. 2467.

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THE PRESIDENT

RULES, REGULATIONS, ORDERS

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FEDERAL REGISTER

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Item (6) of Proclamation 2463 of March 4, 1941,[2] is superseded by item 4 of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 27th day of March, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,
Acting Secretary of State.

[No. 2468]

[F. R. Doc. 41-2340; Filed, March 29, 1941; 1:04 p. m.]

EXECUTIVE ORDER

MODIFYING EXECUTIVE ORDER OF DECEMBER 12, 1917, CREATING POWER SITE RESERVE NO. 659, COAST STREAMS IN WESTERN OREGON

MODIFICATION NO. 417

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, it is ordered that the Executive Order of December 12, 1917, creating Power Site Reserve No. 659, be, and it is hereby, modified to the extent necessary to permit the County of Lane, Oregon, to construct a road over the N½NW¼, SE¼NW¼, and NE¼SW¼, sec. 29, T. 19 S., R. 6 W., Willamette Meridian, Oregon, as shown on a map on file in the General Land Office, Department of the Interior, and bearing the title

"MAP
PHEASANT CREEK
COUNTY ROAD
IN SECS. 29, 30 AND 31
T. 19 S., R. 6 W., W. M.
LANE COUNTY, ORE."

P. M. Morse (Sgd.)
County Engineer

on condition that the use of the road shall be discontinued without liability or expense to the United States or its licensees when found by the Secretary of

[2] 6 F.R. 1299.

the Interior to be in conflict with project works authorized by the United States.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 28, 1941.

[No. 8722]

[F. R. Doc. 41-2331; Filed, March 29, 1941; 11:42 a. m.]

EXECUTIVE ORDER

POWER SITE RESTORATION No. 494. PARTIAL REVOCATION OF EXECUTIVE ORDER OF DECEMBER 12, 1917, CREATING POWER SITE RESERVE No. 659

OREGON

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, the Executive order of December 12, 1917, creating Power Site Reserve No. 659, is hereby revoked as to the following-described lands:

Willamette Meridian

T. 20 S., R. 5 W.,
sec. 15, lot 6;
sec. 17, W½SW¼, SE¼SW¼;
sec. 19, NE¼NE¼;
sec. 21, NW¼NE¼, NW¼SE¼;
sec. 23, NW¼NW¼, SE¼NW¼, NE¼SW¼, S½SE¼.
T. 20 S., R. 6 W.,
sec. 13, N½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 28, 1941.

[No. 8723]

[F. R. Doc. 41-2330; Filed, March 29, 1941; 11:42 a. m.]

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-30]

PART 107—MANIFESTS

AMENDED REGULATIONS GOVERNING THE FURNISHING OF OUTGOING MANIFESTS

MARCH 29, 1941.

Pursuant to the authority contained in sections 12 and 23 of the Act of February 5, 1917 (39 Stat. 882, 892; 8 U.S.C. 148, 102); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458), and 8 CFR 90.1 (5 F.R. 3503), § 107.11 of said regulations (Rule 2, Subdivision C, Paragraph 3 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936, as amended) is hereby amended to read as follows:

§ 107.11 *Forms required; specifications as to departing passengers; time for filing.* The list required by section 12 of the Immigration Act of 1917 containing information regarding alien passengers and citizens of the United States and its insular possessions departing from the United States and its insular possessions, either permanently or temporarily, shall be typewritten or printed in the English language on commercial ledger paper in sheets 21 by 16 inches (substance 32), color white, according in every respect to Form 628 now in use and approved by the Commissioner of Immigration and Naturalization, or on such form or forms as hereafter may be prescribed. Such lists shall be deposited with the immigration officials before the departure of the vessel, except that in the case of vessels making regular trips to ports of the United States such lists may be delivered to the immigration officials at the port of departure within twenty-four hours after departure of the vessel. (Sec. 12, 39 Stat. 882; 8 U.S.C. 148)

This amendment shall be effective on and after May 1, 1941.

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General.

Approved:

ROBERT H. JACKSON,
Attorney General.

[F. R. Doc. 41-2352; Filed, March 31, 1941; 11:16 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment No. 104 of the Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

REMOVING CERTAIN RESTRICTIONS ON ISSUANCE OF FOREIGN FLIGHT AUTHORIZATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a), and 1102 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 21, 1941, § 60.940 (*General requirements* [1]) of the Civil Air Regulations is amended by striking subsection 4 thereof and renumbering subsections 5, 6 and 7 to read 4, 5 and 6, respectively.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-2341; Filed, March 31, 1941; 9:17 a. m.]

[1] 5 F.R. 2389.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3732]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MARLBOROUGH LABORATORIES, INC. ET AL

§ 3.66 (f) *Misbranding or mislabeling—Price:* § 3.66 (l) *Misbranding or mislabeling—Value.* Representing, in connection with offer, etc., in commerce of cosmetics, toothpastes and shaving creams or other toilet articles, as the customary or regular retail price for such products, prices which are, in fact, fictitious and in excess of those at which said products are regularly and customarily offered for sale and sold, and intended to be offered for sale and sold, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Marlborough Laboratories, Inc., et al., Docket 3732, March 20, 1941]

§ 3.66 (k) (3) *Misbranding or mislabeling—Source or origin—Maker:* § 3.87 (c) *Simulating competitor or his product—Name, containers or dress of competitor's product:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Maker.* Designating, in connection with offer, etc., in commerce of cosmetics, toothpastes and shaving creams or other toilet articles by marking or otherwise, respondents' products by name or phrases simulating the name of phrases by which similar products of a competitor are designated, or selling or offering for sale respondents' products packed in containers or wrappers simulating the containers or wrappers used by a competitor for similar products prohibited. (Sec. 5, 38 Stat. 719, as amended by sec 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Marlborough Laboratories, Inc. et al., Docket 3732, March 20, 1941]

§ 3.69 (b) 14 *Misrepresenting one's self and goods—Goods—Quantity.* So packaging respondents' products, in connection with the offer, etc., in commerce, of cosmetics, toothpastes and shaving creams, or other toilet articles, through the device of slack-filling, or otherwise, that the ordinary-sized units appear to be of "giant size" or that the quantity contained in such package appears to be greater than is actually contained therein, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Marlborough Laboratories, Inc., et al., Docket 3732, March 20, 1941]

§ 3.66 (c20) *Misbranding or mislabeling—Manufacture.* Representing, in connection with offer, etc., in commerce of cosmetics, toothpastes and shaving creams or other toilet articles, that any of the said products are compounded under the supervision of a doctor or dentist or one possessing special knowledge of dental hygiene and pharmacology, when such is not the case, prohibited. (Sec. 5, 38 Stat. 719, as

amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Marlborough Laboratories, Inc. et al., Docket 3732, March 29, 1941]

In the Matter of Marlborough Laboratories, Inc., a Corporation; Marlborough Sales Co., Inc., a Corporation; Madison Sales Corporation, a Corporation; Windsor Manufacturing Co., Inc., a Corporation; Harry Silverstein, David Kamerman, and William Zeffert, Individually and as Officers of Marlborough Laboratories, Inc., Marlborough Sales Co., Inc., Madison Sales Corporation, Windsor Manufacturing Co., Inc.; Frances Chorba, an Individual; Atlantic Manufacturing Co., a Corporation; and Henry Braun, Charles Kleinbeck, and Caesar Muzzi, Individually and as Officers of Atlantic Manufacturing Co.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, Marlborough Sales Co., Inc., a corporation; Madison Sales Corporation, a corporation; Windsor Manufacturing Co., Inc., a corporation; William Zeffert, individually and as managing head of said corporations, and Atlantic Manufacturing Co., a corporation, and Henry Braun, Charles Kleinbeck, and Caesar Muzzi, individually and as officers of Atlantic Manufacturing Co., testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before John L. Hornor and Lewis C. Russell, Examiners of the Commission, theretofore duly designated by it, and upon brief filed herein by counsel for the Commission (respondents not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Marlborough Sales Co., Inc., a corporation, Madison Sales Corporation, a corporation, Windsor Manufacturing Co., Inc., a corporation, and William Zeffert, individually and as an officer and directing manager of said corporations, and their respective agents, representatives and employees, in connection with the offering for sale, sale and distribution of cosmetics, tooth pastes and shaving creams, or other toilet articles, in commerce between and among the various States of the United States and in the District of Columbia, do forthwith cease and desist from:

(1) Representing, as the customary or regular retail prices for such products, prices which are in fact fictitious and in excess of the prices at which said products are regularly and customarily offered for sale and sold, and intended to be offered for sale and sold;

(2) Designating, by marking or otherwise, its products by name or phrases simulating the name or phrases by which similar products of a competitor are designated, or selling or offering for sale its products packed in containers or wrappers simulating the containers or wrappers used by a competitor for similar products;

(3) So packaging their products, through the device of slack-filling, or otherwise, that the ordinary-sized units appear to be of "giant size" or that the quantity contained in such package appears to be greater than is actually contained therein;

(4) Representing that any of the said products are compounded under the supervision of a doctor or dentist or one possessing special knowledge of dental hygiene and pharmacology, when such is not the case.

It is further ordered, That respondents shall, within sixty (60) days from the date of the service upon them of this order, file with the Commission a report in writing, setting forth the manner and form in which they have complied with the order herein set forth.

It is further ordered, That as to Marlborough Laboratories, Inc., Atlantic Manufacturing Co. and Henry Braun, Charles Kleinbeck, Caesar Muzzi, Harry Silverstein, David Kamerman and Frances Chorba, the complaint herein be, and the same hereby is, dismissed.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-2328; Filed, Mar. 29, 1941; 11:05 a. m.]

[Docket No. 3230]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DIAMOND CAP COMPANY

§ 3.69 (b) 1) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) 9) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new—Old and used as unused or new:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old and used as unused or new.* Representing, in connection with offer, etc., in commerce, of caps, (1) that caps composed in whole or in part of used, worn or secondhand materials are new or are composed of new materials, by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatbands, a statement that said caps are composed of secondhand or used materials, or (2) representing in any manner that caps made in whole or in part from old, used, worn or secondhand materials are new or are composed of new materials, prohibited; subject to the provision, however, that if sweatbands are not affixed to such caps then such stamping must appear on the bodies of such caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diamond Cap Company, Docket 3230, March 19, 1941]

In the Matter of Louis Goldenberg, Morris Zipper, and Harry Faerman, Trading as Diamond Cap Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before examiners of the Commission theretofore duly designated by it in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral argument by Robert Mathis, Jr., counsel for the Commission and by Samuel R. Wurtman, counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Louis Goldenberg, Morris Zipper, and Harry Faerman, individually and trading as Diamond Cap Company, or trading under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of caps in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that caps composed in whole or in part of used, worn or secondhand materials are new or are composed of new materials, by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatbands, a statement that said caps are composed of secondhand or used materials, provided that if sweatbands are not affixed to such caps then such stamping must appear on the bodies of such caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies;

(2) Representing in any manner that caps made in whole or in part from old, used, worn or secondhand materials are new or are composed of new materials.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, set-

[1] 4 F.R. 2266.

[1] 3 F.R. 2041.

ting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-2334; Filed, March 29, 1941; 11:58 a. m.]

[Docket No. 4176]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CROOK-WALLACE CO.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with candy or any merchandise together with push or pull cards, punchboards or other lottery devices, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Crook-Wallace Co., Docket 4176, March 19, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with push or pull cards, punchboards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Crook-Wallace Co., Docket 4176, March 19, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Crook-Wallace Co., Docket 4176, March 19, 1941]

In the Matter of Harry F. Crook and Gretchen Crook, Individually and Trading as Crook-Wallace Co.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Harry F. Crook and Gretchen Crook, individually and trading as Crook-Wallace Co., or trading under any other name or names, their representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of other candy or any merchandise together with push or pull cards, punchboards or other lottery devices, which said push or pull cards, punchboards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public;

(2) Supplying to or placing in the hands of others push or pull cards, punchboards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punchboards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents, Harry F. Crook and Gretchen Crook, shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-2335; Filed, March 29, 1941; 11:58 a. m.]

[Docket No. 4243]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CANDYMASTERS, INC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with candy or any other merchandise together with push or pull cards, punchboards or other lottery devices, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Candymasters, Inc., Docket 4243, March 19, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with push or pull cards, punchboards or other lottery devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Candymasters, Inc., Docket 4243, March 19, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b [Cease and desist order, Candymasters, Inc., Docket 4243, March 19, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Candymasters, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others candy or any other merchandise together with push or pull cards, punchboards or other lottery devices, which said push or pull cards, punchboards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public;

(2) Supplying to or placing in the hands of others push or pull cards, punchboards or other lottery devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punchboards or other lottery devices are to be used, or may be used, in selling or distributing

[1] 6 F.R. 577.

[1] 6 F.R. 639.

such candy or other merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-2336; Filed, March 29, 1941; 11:58 a. m.]

[Docket No. 4349]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF RELIANCE JACKET CO.

§ 3.99 (b) *Using or selling lottery devices — In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of sports jackets or other merchandise, others with any merchandise together with punchboards, push or pull cards or other lottery devices, which said punchboards, push or pull cards or other lottery devices are to be, or may be, used in selling or distributing such merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Reliance Jacket Co., Docket 4349, March 19, 1941]

§ 3.99 (b) *Using or selling lottery devices — In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of sports jackets or other merchandise, others with punchboards, push or pull cards or other lottery devices, either with assortments of merchandise or separately, which said punchboards, push or pull cards or other lottery devices are to be, or may be, used in selling or distributing such merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Reliance Jacket Co., Docket 4349, March 19, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of sports jackets or other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Reliance Jacket Co., Docket 4349, March 19, 1941]

In the Matter of Louis Greenberg, Individually and Trading as Reliance Jacket Co.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Louis Greenberg, individually and trading as Reliance Jacket Co., or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of sports jackets or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others any merchandise together with punchboards, push or pull cards or other lottery devices, which said punchboards, push or pull cards or other lottery devices are to be used, or may be used, in selling or distributing such merchandise to the public;

(2) Supplying to or placing in the hands of others, punchboards, push or pull cards, or other lottery devices, either with assortments of merchandise or separately, which said punchboards, push or pull cards, or other lottery devices, are to be used, or may be used, in selling or distributing such merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-2337; Filed, March 29, 1941; 11:59 a. m.]

[Docket No. 3523]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CHICAGO THERMO-MAGNETIC CUSHION COMPANY, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly — Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results.* Representing, in connection with offer, etc., in commerce, of "Thermo-Magnetic Cushion" or any other substantially similar device, that the use of said device (1) constitutes a cure or remedy for constipation, colds, rheumatism, lumbago, sciatica, menstrual disorders of women, neurasthenia, neuritic conditions, nervous ailments, stomach and digestive disorders, prostatic disorder, kidney or bladder disorders, nervous ailments or other ailments of the human body, or that it has any therapeutic value in the treatment of such conditions in excess of affording temporary relief from menstrual pain or pain associated with rheumatism, lumbago, sciatica and neuritic conditions when localized in an area affected by heat from said device; or (2) will revitalize the human system; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Chicago Thermo-Magnetic Cushion Company et al., Docket 3523, March 19, 1941]

In the Matter of Chicago Thermo-Magnetic Cushion Company, a Corporation, and A. Mercer Parker, Individually, and as an Officer of Said Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of the complaint taken before W. W. Sheppard, an examiner of the Commission theretofore duly designated by it, brief filed in support of the complaint (respondents not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent Chicago Thermo-Magnetic Cushion Company, a corporation, and its officers, and A. Mercer Parker, individually and as an officer of Chicago Thermo-Magnetic Cushion Company, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the device designated as "Thermo-Magnetic Cushion" or any other device of substantially similar construction or possessing substantially similar properties or functions, whether sold under such name or any other name, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that the use of said device "Thermo-Magnetic Cushion" constitutes a cure or remedy for constipation, colds, rheumatism, lumbago, sciatica, menstrual disorders of women, neurasthenia, neuritic conditions, nervous ailments, stomach and digestive disorders, prostatic disorder, kidney or bladder disorders, nervous ailments or other ailments of the human body, or that said device has any therapeutic value in the

[1] 6 F.R. 639.

[1] 3 F.R. 2432.

treatment of such conditions in excess of affording temporary relief from menstrual pain or pain associated with rheumatism, lumbago, sciatica and neuritic conditions when localized in an area affected by heat from said device;

(2) Representing that the use of respondents' device will revitalize the human system.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-2370; Filed, March 31, 1941; 11:55 a. m.]

[Docket No. 4106]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF JULIAN S. COHN

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.69 (a) (4) *Misrepresenting oneself and goods—Business status, advantages or connections—Dealer as manufacturer.* In connection with offer, etc., in commerce, of handkerchiefs, using the word "manufacturer" or the phrase "manufacturer of handkerchiefs", or any other word or phrase of similar import or meaning, to designate, describe, or refer to the business conducted by respondent, or representing, directly or by implication, through the use of the word "manufacturer" or the phrase "manufacturer of handkerchiefs", or any other word or phrase of similar import or meaning, that respondent is the manufacturer of the products offered for sale and sold by him, unless and until said respondent actually owns and operates, or directly and absolutely controls, a manufacturing plant wherein said products are made or manufactured by him, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Julian S. Cohn, Docket 4106, March 19, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Randolph W. Preston, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein by William T. Chantland, counsel for the Commission, and by Nathaniel Phillips, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Julian S. Cohn, his representatives, agents and employees, in connection with the offering for sale, sale and distribution of handkerchiefs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "manufacturer" or the phrase "manufacturer of handkerchiefs", or any other word or phrase of similar import or meaning, to designate, describe, or refer to the business conducted by respondent, unless and until respondent actually owns and operates, or directly and absolutely controls, a manufacturing plant wherein said products are made or manufactured by him;

(2) Representing, directly or by implication, through the use of the word "manufacturer" or the phrase "manufacturer of handkerchiefs", or any other word or phrase of similar import or meaning, that respondent is the manufacturer of the products offered for sale and sold by him, unless and until said respondent actually owns and operates, or directly and absolutely controls, a manufacturing plant wherein said products are made or manufactured by him.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-2371; Filed, March 31, 1941; 11:55 a. m.]

[Docket No. 4118]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SCHRADE CUTLERY COMPANY

§ 3.18 *Claiming indorsements or testimonials falsely:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approvals or awards:* § 3.66 (kl) *Misbranding or mislabeling—Success, use or standing:* § 3.96 (a) (3.2) *Using misleading name—Goods—Indorsements and testimonials.* Using, in connection with offer, etc., in commerce, of respondent's knives, the words "Super Scout" or "Scout" or any other word or words of similar import or meaning, to designate, describe or refer to respondent's knives, or otherwise representing that said knives are sponsored, endorsed or approved by the organization known as The Boy Scouts of America, or that said knives form a part of the equipment of the members of said organization, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schrade Cutlery Company, Docket 4118, March 19, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Schrade Cutlery Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connections with the offering for sale, sale and distribution of its knives in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the words "Super Scout" or "Scout" or any other word or words of similar import or meaning, to designate, describe or refer to respondent's knives, or otherwise representing that said knives are sponsored, endorsed or approved by the organization known as The Boy Scouts of America, or that said knives form a part of the equipment of the members of said organization.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-2373; Filed, March 31, 1941; 11:55 a. m.]

[Docket No. 4274]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF S. FRIEDMAN & SONS, ETC.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a7) *Misbranding or mislabeling—Composition.* In connection with offer, etc., in commerce, of knitting yarns, (1) using the word "Cashmere", or any other word of similar import or meaning, to describe, designate or refer to any product which is not composed entirely of fiber derived from the hair of the cashmere goat, or (2) representing in any manner whatsoever that fabrics or products offered for sale or sold by respondents contain Cashmere Wool in greater

[1] 5 F.R. 2127.

quantity than is actually the case, prohibited; subject to the provision, however, that in the case of products composed in part of fiber derived from the hair of the cashmere goat and in part of other fibers, such word may be used as descriptive of the cashmere fiber content, if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent fiber or material of such products. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, S. Friedman & Sons, etc., Docket 4274, March 19, 1941]

In the Matter of Abraham Friedman and Samuel Friedman, Individuals Doing Business as S. Friedman & Sons, and Sunray Yarn House

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence introduced by Donovan Divet, counsel for the Commission, in support of the allegations of the complaint, and by Louis Fineman, counsel for the respondents, in opposition thereto, before Lewis C. Russell, an examiner of the Commission theretofore duly designated by it, and brief in support of the complaint (no brief having been filed on behalf of respondents and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents Abraham Friedman and Samuel Friedman, individually and trading as S. Friedman & Sons and as Sunray Yarn House, or trading under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of knitting yarns in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Cashmere", or any other word of similar import or meaning, to describe, designate or refer to any product which is not composed entirely of fiber derived from the hair of the cashmere goat: *Provided, however*, That in the case of products composed in part of fiber derived from the hair of the cashmere goat and in part of other fibers, such word may be used as descriptive of the cashmere fiber content, if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent fiber or material of such products.

2. Representing in any manner whatsoever that fabrics or products offered for sale or sold by respondents contain Cashmere Wool in greater quantity than is actually the case.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That no provisions contained in this order shall be construed as authorizing or permitting, after July 14, 1941, the labeling of any wool product in any manner other than in strict conformity with the provisions of the Wool Products Labeling Act of 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-2372; Filed, March 31, 1941; 11:54 a. m.]

[1] 5 F.R. 4102.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER I—COMMODITY EXCHANGE ADMINISTRATION

PART 2—SPECIAL PROVISIONS APPLICABLE TO GRAINS AND FLAXSEED

ORDER AMENDING THE TITLE OF PART 2, CHAPTER I, TITLE 17, CODE OF FEDERAL REGULATIONS

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act, as amended (7 U.S.C. and Sup., secs. 1–17a), and as further amended by the act of Congress, approved October 9, 1940 (Public Law No. 818, 76th Cong.), I, Paul H. Appleby, Under Secretary of Agriculture, do hereby amend the title of part 2, chapter I, title 17, Code of Federal Regulations [article II, Rules and Regulations of the Secretary of Agriculture under the Commodity Exchange Act, as amended] to read as follows:

Part 2—Special Provisions Applicable to Grains, Flaxseed, and Soybeans.

Done at Washington, D. C., this 31st day of March 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41-2367; Filed, March 31, 1941; 11:38 a. m.]

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Amendment of Rule I]

PART 201—RULES OF PRACTICE

AMENDMENT TO RULE AS TO BUSINESS HOURS AND REGIONAL OFFICES OF THE COMMISSION

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof [Sec. 19, 48 Stat. 85; sec. 209, 48 Stat. 908; 15 U.S.C. 77s]; the Securities Exchange Act of 1934, as amended, particularly section 23 (a) thereof [sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 78w]; the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof [Sec. 20, 49 Stat. 833; 15 U.S.C. 79t]; the Trust Indenture Act of 1939, particularly section 319 (a) thereof [Sec. 319, 53 Stat. 1173; 15 U.S.C. 77sss]; the Investment Company Act of 1940, particularly section 38 (a) thereof [Sec. 38, 54 Stat. 841]; and the Investment Advisers Act of 1940, particularly section 211 (a) thereof [Sec. 211, 54 Stat. 855], and finding such action necessary and appropriate to carry out the provisions of such Acts, hereby amends § 201.1 [Rule I] of the Rules of Practice of the Commission to read as hereinafter set forth:

§ 201.1 *Business hours—Regional offices.* The principal office of the Commission at Washington, D. C., is open on each business day, excepting Saturdays, from 9:15 a. m. to 4:45 p. m., and on Saturdays from 9:15 a. m. to 1:15 p. m. Regional offices are maintained at New York, Boston, Atlanta, Cleveland, Chicago, Forth Worth, Denver, San Francisco, and Seattle.

Effective March 31, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-2363; Filed, March 31, 1941; 11:25 a. m.]

[Amendment of Rule 110]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

AMENDMENT TO RULE AS TO BUSINESS HOURS OF THE COMMISSION

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof [Sec. 19, 48 Stat. 85; sec. 209, 48 Stat. 908; 15 U.S.C. 77s], and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby amends § 230.110 [Rule 110] of the General Rules and Regulations

under the Act to read as hereinafter set forth:

§ 230.110 *Business hours of the Commission.* The principal office of the Commission at Washington, D. C., is open on each business day, excepting Saturdays, from 9:15 a. m. to 4:45 p. m., and on Saturdays from 9:15 a. m. to 1:15 p. m.

Effective March 31, 1941.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-2364; Filed, March 31, 1941; 11:25 a. m.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

AMENDMENT TO REGULATION A—GENERAL EXEMPTION

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof [Sec. 3, 48 Stat. 75; 15 U.S.C., 77c: Sec. 19, 48 Stat. 85; Sec. 209, 48 Stat. 908; 15 U.S.C 77s], and finding such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said Act, hereby takes the following action:

Paragraphs (a) and (h) of § 230.221[1] [Rule 221 of Regulation A] are amended to read as follows:

§ 230.221 *Securities excluded from exemption.*

(a) Securities of investment trusts or investment companies which are subject to the Investment Company Act of 1940 (54 Stat. 789);

* * * * *

(h) Securities sold or delivered after sale in, or orders for which are accepted from, a State while the right to offer or sell such securities in that State is prohibited, denied, or suspended by any regulatory body of the State for any reason other than the misconduct of a dealer in the securities.

* * * * *

Paragraph (a) (1) of § 230.222[1] [Rule 222 of Regulation A] is amended to read as follows:

§ 230.222 *Letter of notification* (a)

(1) The full names and complete mailing addresses of (i) the issuer; (ii) all directors and officers of the issuer; (iii) the person or persons by, on behalf of, or for the benefit of whom the offering is to be made; and (iv) each principal underwriter.

Form S-3b-1[2] is amended to read as set forth in copies thereof marked "As amended."

Effective March 28, 1941.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-2322; Filed, March 28, 1941; 12:05 p. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENTS TO RULES REGULATING THE PLEDGING OF CUSTOMERS' SECURITIES AS COLLATERAL BY MEMBERS OF NATIONAL SECURITIES EXCHANGES AND OTHER BROKERS AND DEALERS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly sections 8 (c) and 23 (a) thereof [Sec. 8, 48 Stat. 888; 15 U.S.C. 78h: sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 78w], and deeming it necessary for the exercise of the functions vested in it by the Act and for the protection of investors, hereby amends § 240.8c-1[1] [Rule X-8C-1] as follows:

I. Paragraph (a) (3) thereof is hereby amended by adding after the word "funds" therein, the words "or securities".

The text of paragraph (a) (3) of § 240.8c-1 [Rule X-8C-1], as amended, reads as follows:

(3) that will permit securities carried for the account of customers to be hypothecated, or subjected to any lien or liens or claim or claims of the pledgee or pledgees, for a sum which exceeds the aggregate indebtedness of all customers in respect of securities carried for their accounts; except that this clause shall not be deemed to be violated by reason of an excess arising on any day through the reduction of the aggregate indebtedness of customers on such day, provided that funds or securities in an amount sufficient to eliminate such excess are paid or placed in transfer to pledgees for the purpose of reducing the sum of the liens or claims to which securities carried for the account of customers are subjected as promptly as practicable after such reduction occurs, but before the lapse of one-half hour after the commencement of banking hours on the next banking day at the place where the largest principal amount of loans of such member, broker or dealer are payable and, in any event, before such member, broker or dealer on such day has obtained or increased any bank loan collateralized by securities carried for the account of customers.

II. Paragraph (e) thereof is hereby amended by deleting the clause in subdivision (i) which reads, "provided the pledgee agrees that securities which it is informed are carried for the account of customers will be physically segregated from any other securities,".

The text of paragraph (e) of § 240.8c-1 [Rule X-8C-1], as amended, reads as follows:

(e) *Exemption for certain liens on securities of noncustomers.* The provisions of paragraph (a) (2) hereof shall not be deemed to prevent such member, broker or dealer from permitting securities not carried for the account of a customer to be subjected (i) to a lien for a loan made against securities carried for the account of customers, or (ii) to a lien for a loan made and to be repaid on the same calendar day. For the purpose of this exemption, a loan shall be deemed to be "made against securities carried for the account of customers" if only securities carried for the account of customers are used to obtain or to increase such loan or as substitutes for other securities carried for the account of customers.

Effective March 28, 1941.

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly sections 15 (c) (2) and 23 (a) thereof [Sec. 15, 48 Stat. 895; sec. 3, 49 Stat. 1377; sec. 2, 52 Stat. 1075; 15 U.S.C. 78o], and deeming it necessary for the exercise of the functions vested in it by the Act and reasonably designed to prevent such acts and practices as are fraudulent, deceptive or manipulative, hereby amends § 240.15c2-1 [Rule X-15C2-1] as follows:

I. Paragraph (a) (3) thereof is hereby amended by adding after the word "funds" therein, the words "or securities".

The text of paragraph (a) (3) of § 240.15c2-1 [Rule X-15C2-1], as amended, reads as follows:

(3) that will permit securities carried for the account of customers to be hypothecated, or subjected to any lien or liens or claim or claims of the pledgee or pledgees, for a sum which exceeds the aggregate indebtedness of all customers in respect of securities carried for their accounts; except that this clause shall not be deemed to be violated by reason of an excess arising on any day through the reduction of the aggregate indebtedness of customers on such day, provided that funds or securities in an amount sufficient to eliminate such excess are

[1] 5 F.R. 4750.

[1] 5 F.R. 4530.
[2] Filed as part of the original document.

paid or placed in transfer to pledgees for the purpose of reducing the sum of the liens or claims to which securities carried for the account of customers are subjected as promptly as practicable after such reduction occurs, but before the lapse of one-half hour after the commencement of banking hours on the next banking day at the place where the largest principal amount of loans of such member, broker or dealer are payable and, in any event, before such member, broker or dealer on such day has obtained or increased any bank loan collateralized by securities carried for the account of customers.

II. Paragraph (e) thereof is hereby amended by deleting the clause in subdivision (i) which reads "provided the pledgee agrees that securities which it is informed are carried for the account of customers will be physically segregated from any other securities,".

The text of paragraph (e) of § 240.15c2–1 [Rule X-15C2–1], as amended, reads as follows:

(e) *Exemption for certain liens on securities of noncustomers.* The provisions of paragraph (a) (2) hereof shall not be deemed to prevent such member, broker or dealer from permitting securities not carried for the account of a customer to be subjected (i) to a lien for a loan made against securities carried for the account of customers, or (ii) to a lien for a loan made and to be repaid on the same calendar day. For the purpose of this exemption, a loan shall be deemed to be "made against securities carried for the account of customers" if only securities carried for the account of customers are used to obtain or to increase such loan or as substitutes for other securities carried for the account of customers.

Effective March 28, 1941.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–2323; Filed, March 28, 1941; 3:55 p. m.]

[Amendment of Rule T-O-5]

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

AMENDMENT TO RULE AS TO BUSINESS HOURS OF THE COMMISSION

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Trust Indenture Act of 1939, particularly section 319 (a) thereof [Sec. 319, 53 Stat. 1173; 15 U.S.C. 77sss], and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby amends § 260.0–5 [Rule T-O–5] of the General Rules and Regulations under the Act to read as hereinafter set forth:

§ 260.0–5 *Business hours of the Commission.* The principal office of the Commission at Washington, D. C., is open on each business day, excepting Saturdays, from 9:15 a. m. to 4:45 p. m., and on Saturdays from 9:15 a. m. to 1:15 p. m.

Effective March 31, 1941.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–2365; Filed, March 31, 1941; 11:25 a. m.]

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

MARCH 22, 1941.

§§ 130.15 and 130.16[1] of the order as amended by the Assistant Secretary of the Interior on March 15, 1939 (4 F.R. 1340), are further amended as follows:

§ 130.15 *General.* In compliance with the provisions of the Acts of August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210, 25 U.S.C. 387), the annual charges for the operation and maintenance of the subdivisions of the Flathead Indian Irrigation Project, Montana, which are not included under any of the Irrigation Districts, are hereby fixed and are payable as provided in Sections 130.16 to 130.22, inclusive:

§ 130.16 *Charge—Jocko Division.* An annual minimum charge of $1 per acre shall be made against all lands within the Jocko Division to which water can be delivered, regardless of whether the water is used.

The minimum charge when paid shall be credited on the delivery of water at the following per acre-foot rates:

(a) For lands receiving water from the lower Jocko and Revais Creek laterals, water will be delivered in amounts equal to one acre-foot per acre for the entire irrigable area of the farm unit, allotment, or tract, at the rate of one dollar ($1) per acre-foot, and additional water will be delivered at the rate of fifty cents (50¢) per acre-foot.

(b) For irrigable lands as defined in "(a)" hereof receiving water from Finley, East Finley, Agency, and Big Knife Creeks, water will be delivered at the rate of seventy-five cents (75¢) per acre-foot at any time during the irrigation season.

(c) For irrigable lands as defined in "(a)" hereof receiving water from Jocko River through the Jocko K Lateral system, at the rate of fifty cents (50¢) per acre-foot at any time during the irrigation season.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 41–2324; Filed, March 29, 1941; 9:46 a. m.]

[1] §§ 130.15 and 130.16 issued under authority contained in 38 Stat. 583, 39 Stat. 142, 45 Stat. 210; 25 U.S.C. 385, 387.

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 594—MINIMUM WAGE RATES IN THE ENAMELED UTENSIL INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 18 FOR A MINIMUM WAGE RATE IN THE ENAMELED UTENSIL INDUSTRY

Effective April 21, 1941

Whereas, on November 26, 1940, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 72, appointed Industry Committee No. 18 for the Enameled Utensil Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Enameled Utensil Industry in accordance with section 8 of the Act; and

Whereas, the Committee included two disinterested persons representing the

public and a like number of persons representing employers in the Enameled Utensil Industry, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the Enameled Utensil Industry is carried on; and

Whereas, on December 13, 1940, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate in the Enameled Utensil Industry; and

Whereas, after notice published in the FEDERAL REGISTER on December 20, 1940, Henry T. Hunt, Esquire, Principal Hearings Examiner, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on January 27, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas, all persons who appeared at the hearing were given leave to file briefs on or before February 27, 1941; and

Whereas, no requests for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

Whereas, the Administrator upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to Sections 5 and 8, concludes that the Industry Committee's recommendation for the Enameled Utensil Industry, as defined by Administrative Order No. 72, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 18 for a Minimum Wage Rate in the Enameled Utensil Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 594.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved, and in accordance with such recommendation,*

*§§ 594.1 to 594.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

§ 594.2 *Wage rates.* Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Enameled Utensil Industry who is engaged in commerce or in the production of goods for commerce; and*

§ 594.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Enameled Utensil Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and*

§ 594.4 *Definition of the Enameled Utensil Industry.* The Enameled Utensil Industry to which this Order shall apply is hereby defined as follows:

"* * * the manufacture of culinary, household, and hospital utensils of sheet iron or sheet steel coated with vitreous enamel."*

§ 594.5 *Scope of the definition.* The definition of the Enameled Utensil Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations, *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in manufacturing and distributing products of the industry which have been purchased for resale; and *Provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek, unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 594.6 *Effective date.* The Wage Order shall become effective April 21, 1941.*

Signed at Washington, D. C., this 28th day of March 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-2374; Filed, March 31, 1941; 11:56 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-680, A-681]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITIONS OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES IN DISTRICT NO. 8 NOT HERETOFORE CLASSIFIED AND PRICED

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8 not heretofore classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 328.11 (*Alphabetical list of code members*) is amended by adding thereto "Supplement R", § 328.32 (*General prices for high volatile coals*) is amended by adding thereto "Supplement A", and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto "Supplement B", which supplements dated March 18, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: March 18, 1941.

[SEAL] H. A. GRAY,
Director.

Marketing

SUPPLEMENT R—TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Sub-dist. No.	High volatile seam	Freight origin group No.	Price classifications by size group Nos.																								
						For destinations other than Great Lakes													For Great Lakes cargo only												
						1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3540	Belcher, W. K.	W. K. Belcher	1	Auxier	63	P	P	N	M	J	G	J	F	G	N							P	O	M	H	F	F	J	P	N					
1497	Better Coal Company (W. F. & James F. Ely)	Better	6	Mason	113	H	H	F	E	E	C	E	D	D	K	O						H	H	F	C	D	D	E	Q	K	O				
2481	Blue Gem Coal Co. (A. C. Owens)		6	Bon Air No. 2	210	P	P	M	L	K	J	M	H	G	O							P	O	M	H	F	F	M	Q	O					
419	Cambria Coal Company	Royal	6	Lower Dean	40	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)						(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)				
621	Crass, S. S.	Crass	6	Coal Creek	70	O	M	M	L	H	F	G	F	E	M							O	O	M	H	F	F	G	N	M					
2746	Dennis, Ovah	Ovah	3	Cannel	100	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
1937	Douglass, James L. (Newcomb Blue Gem Coal Co.)	Blue Gem	6	Blue Gem	112	A	A	A	A	A	A	C	A	A	K							A	A	A	A	A	A	C	D	K					
1241	Epling, Isaac	Country Bank	1	Auxier	63	P	P	N	M	J	G	J	F	G	N							P	O	M	H	F	F	J	P	N					
2575	Hope Coal Company, Inc.	Keeney	4	Cedar Grove	127	O	O	L	K	H	F	H	D	C	G							O	N	L	G	E	E	M	Q	G					
1437	Hudson, George B.	Fitzgerald	4	Pittsburgh #8	240	Q	Q	P	O	M	K	M	H	G	Q							Q	Q	O	K	H	H	E	M	Q					
1538	Moyers, Byrd		6	Mason	113	H	H	H	E	E	C	E	B	D	K	O						H	H	F	G	D	D	E	Q	K	O				
640	Princess Elkhorn Coal Company	No. 1	1	Elkhorn #2	61	F	F	E	G	C	C	C	B	C	G	L						F	K	F	K	D	B	C	J	G	L				
3596	Sowards, Garfield	G. Sowards	1	Upper Elkhorn	61	K	K	E	G	C	C	A	B	C	H						C	F	F	F	C	B	C	K	H	G					C
1557	Taylor Transfer (J. H. Taylor)	Taylor Transfer	6	Straight Creek	111	F	F	E	D	E	C	E	B	C	G							F	K	E	C	B	B	C	J	H	G				
359	West Virginia Coal & Coke Corporation	Omar No. 5	5	Island Creek	150	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	L	(*)					(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	L					

*This size group previously classified.
◗ See Cannel coal prices.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule for District No. 8 and Supplements thereto.

FOR TRUCK SHIPMENTS

§ 328.32 *General prices for high volatile coals*—Supplement A

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 1—BIG SANDY—ELKHORN											
BOYD COUNTY, KY											
Thomas Bros	Reuben Ferguson	4089	#7	265	245	210	220	205	200	150	145
CARTER COUNTY, KY.											
Willard Coal Corp	Willard	567	No. 7	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Princess Elkhorn Coal Company	No. 1	640	Elkhorn No. 2	295	275	230	230	215	220	170	165
LAWRENCE COUNTY, KY.											
Wallace, Ervin	Young	3539	McHenry	265	245	210	220	205	200	150	145
MAGOFFIN COUNTY, KY.											
Bailey & Hall	Bailey	3533		265	245	210	220	205	200	150	145
Murphy, Ike	May	4057	No. 4	265	245	210	220	205	200	150	145
MENIFEE COUNTY, KY.											
Cannoy, Shelby H	Cannoy	3563		265	245	210	220	205	200	150	145
MORGAN COUNTY, KY.											
Herndon, John	Fannin	3577		265	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Belcher, W. K	W. K. Belcher	3540	Auxier	250	230	205	205	195	195	140	135
Hall & Miracle	Hall's Mine	3541	Elkhorn	275	255	220	230	215	210	170	165
Price, Thos. G. (Pikeville Coal Company)	Big Elkhorn	580	Elkhorn No. 2	275	255	220	230	215	(*)	170	165
Rose, Walker	Rose	3535	Elkhorn No. 2	275	255	220	230	215	210	170	165
SUB-DISTRICT NO. 2—HARLAN											
HARLAN COUNTY, KY.											
Howard, James F	Cliffside	620	Harlan	270	250	225	230	210	215	175	170
Miller, Loyd	Shoestring	4090	Harlan	270	250	225	230	210	215	175	170
SUB-DISTRICT NO. 3—HAZARD											
BREATHITT COUNTY, KY.											
Caudill, J. K	Black Jim Coal	4086		265	245	210	205	190	200	145	401

§ 328.32 *General prices for high volatile coals*—Supplement A—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 3—HAZARD—CONTINUED											
PERRY COUNTY, KY.											
Campbell, John C	Campbell	3564	Hazard No. 5a	275	255	220	225	205	210	150	145
WOLFE COUNTY, KY.											
Hatton, Floyd	Taylor Mines	3542		265	245	210	220	205	200	150	145
Hensley, B. S		3574		265	245	210	220	205	200	150	145
Little, Eric	Little	3569		265	245	210	220	205	200	150	145
Parks & Faulkner	Miller	4063	Cannel Mixed	265	245	210	220	205	200	150	145
Reynolds, Jim	Reynolds	3576	No. 4	265	245	210	220	205	200	150	145
SUB-DISTRICT NO. 4—KANAWHA											
BOONE COUNTY, W. VA.											
Gore, Jesse	Gore	3545	Alma	245	225	220	215	195	210	155	150
Mooney, Carl	Mooney	3553	Hernshaw	275	255	230	235	215	220	185	180
KANAWHA COUNTY, W. VA.											
Holmes, Russell	Russell Holmes	3548	#2 Gas	265	245	230	230	205	220	165	160
Thaxton, J. R	Thaxton	3538	Pittsburgh #8	265	245	230	230	205	220	165	160
SUB-DISTRICT NO. 5—LOGAN											
LOGAN COUNTY, W. VA.											
Depue Coal Co. (Fred Depue)	Switzer	457	Island Creek	(*)	(*)	(*)	215	200	(*)	(*)	(*)
WYOMING COUNTY, W. VA.											
Marianna Smokeless Coal Company	No. 1	588	Sewell	315	315	315	250	280	215	195	190
SUB-DISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Ayers, Herbert and William S. York.	Elmtree	3561	Stray	285	265	220	240	215	210	155	150
Beddow, Ice	Cliff	4073	Jellico	255	235	225	225	205	215	155	150
Brooks, Festus	Festus	4059	Stray (Blue Gem)	335	315	235	260	225	225	145	140
Creech, Fred N	Straight Creek Coals.	4055	Straight Creek	295	275	225	245	215	215	165	160
Geary, C. M	Tip Top	4075	Dean	240	220	205	210	185	195	135	130
Golden, Matthew	Golden	3566	Rim (Blue Gem)	335	315	235	260	225	225	145	140
Moore, Dewey	Moore	3554	Mason	255	235	215	220	205	205	160	155
Richards, Garrett	Eunice	4074	Stray	285	265	220	240	215	210	155	150
Sutton, Robert B. and Frank Adkins.	Hopewell	3583	Stray	285	265	220	240	215	210	155	150
Williams, Henry Kay	Red Rooster	4067	Dean	240	220	205	210	185	195	135	130
CLAY COUNTY, KY.											
Brewster & Johnson (Skill Brewster).	Brewster & Johnson.	3543	Horse Creek	265	245	220	220	205	210	155	150

*This size group previously classified.

§ 328.32 *General prices for high volatile coals*—Supplement A—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 4" x 0"	Lump 2" and under, egg 3" x 0"	Lump ¾" and under	Egg 2" x 4", egg 2" x 0"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 6—SOUTHERN APPALACHIAN—CON.											
KNOX COUNTY, KY.											
Frazier, Charles	Frazier	4091	Jellico	255	235	225	225	205	215	155	150
Harkleroad, Robert H	Harkleroad	3546	Jellico	255	235	225	225	205	215	155	150
Marlowe, William	Hillside	3551	Jellico	255	235	225	225	205	215	155	150
Messer, Floyd	Cedar	3552	Jellico	255	235	225	225	205	215	155	150
Shelton, Ed	Earle	3573	Jellico	255	235	225	225	205	215	155	150
Williams, D. H.	Stonehouse	4065	Jellico	255	235	225	225	205	215	155	150
M'CREARY COUNTY, KY.											
Nevels & Son, J. O.	Nevels	3571	No. 2	255	235	215	210	200	205	155	150
Walters, T. J.	Walters	4087	West Jellico	255	235	215	210	200	205	155	150
ROCKCASTLE COUNTY, KY.											
Burdett, O. L.	Burdett	3544	Horse Creek	265	245	220	220	205	210	155	150
McHargue, J. L.	McHargue	3550	Horse Creek	265	245	220	220	205	210	155	150
CAMPBELL COUNTY, TENN.											
Lemarr, Vachel	Vachel Lemarr	3549	Blue Gem	335	315	235	260	225	225	145	140
Polson, Charlie	Polson	4092	Jellico	300	280	225	250	215	215	170	165
FENTRESS COUNTY, TENN.											
Owen, Sam P.	Sam P. Owen	3572	Bon Air	250	230	205	210	185	195	135	130
SCOTT COUNTY, TENN.											
Crass, S. S.	Crass	621	Coal Creek	255	235	215	210	200	205	145	140
SUB-DISTRICT NO. 7—VIRGINIA											
DICKENSON COUNTY, VA.											
Bostic Coal Company	Bostic C. Co	3575	Banner (lower)	265	245	220	220	215	210	155	150
Needmore Coal Company		4061		265	245	220	220	215	210	155	150
Splash Dam Smokeless Coal Corporation.	Lonesome Branch	297	Splashdam	275	255	(*)	----	----	(*)	185	180
LEE COUNTY, VA.											
Parsons and Son, W. E.	Parsons Coal Co	3556	No. 4	265	245	215	220	205	205	155	150
RUSSELL COUNTY, VA.											
Smith, Marven		4072	Widow Kennedy	275	255	220	240	225	210	155	150
WISE COUNTY, VA.											
Beverly, O. H.	Beverly Mine	3559	Hillman	265	245	220	220	215	210	155	150
Hamm & Clement (Hamm, J. O.)	Hamm Coal Co	3567	Lower Banner	265	245	220	220	215	210	155	150
SUB-DISTRICT NO. 8—WILLIAMSON											
WAYNE COUNTY, W. VA.											
Counts, Charles E.	Counts	3565	#5 Block	245	225	205	210	185	195	145	140
Doss, Fred	Doss	3578		245	225	205	210	185	195	145	140

*This size group previously classified.

§ 328.42 *General prices for low volatile coals*—Supplement B

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	All lump	Egg larger than 3" top	Stove 3" top size	Nut or pea 1¼" top or less	Screened M/R	Straight M/R	1¼" screenings	¾" screenings
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 9.—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
TAZEWELL COUNTY, VA.											
Epling, Isaac	Center Creek	4088	Raven	305	305	300	250	280	215	155	150

[F. R. Doc. 41-2309; Filed, March 28, 1941; 11:22 a. m.]

[Docket No. A-732]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13, which coals have not heretofore been classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto "Supplement R-A", § 333.7 (a) (*Special prices—Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto "Supplement R-B", § 333.7 (c) (*Special prices—Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto "Supplement R-C", § 333.34 (*General prices in cents per ton for shipment into all market areas*—Alabama) is amended by adding thereto "Supplement T-A", and § 333.43 (*General prices in cents per ton for shipment into all market areas*—Tennessee) is amended by adding thereto "Supplement T-B", which supplements dated March 19, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: March 19, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R-A

[Prices F. O. B. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	S D	Seam	Freight origin group
	BLOUNT COUNTY, ALA.				
233	H. Shuff Eng. Co.	Shirley [1]	1	Underwood	31
	JEFFERSON COUNTY, ALA.				
314	Dixie Fire Brick Co.	Dixie No. 2 [2]	1	Black Creek	31
	SHELBY COUNTY, ALA.				
500	Acton Coal Co.	Acton Basin [3]	1	Moyle	31
	WALKER COUNTY, ALA.				
566	Baker, Frank	Baker [4]	1	Black Creek	101
	WALKER COUNTY, ALA.				
1156	Ballenger & Taylor	Honeysuckle [5]	1	Mary Lee	102
	WALKER COUNTY, ALA.				
616	Jones Coal & Clay Co.	Sulphur Springs [6]	1	Mt. Carmel	120

[1] This mine shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with Index Number 58. This mine shall have the same price in size group 7 on all price tables as listed for size group 6 for mine with Index Number 58. This mine shall have a price in size group 13 on all price tables, 10c under the price listed in size group 12 for mine with Index Number 58. This mine shall have a price in size groups 19, 20, 21 and 22 on all price tables, 5c higher than the prices listed in size groups 14, 15, 16 and 17, respectively, for mine with Index No. 58. This mine shall have a price in size group 23 on all price tables, 10c higher than the price listed in size group 18 for mine with Index Number 58.

[2] This mine shall have a price in size group 13 on all price tables, 5c under the price listed for mine with Index Number 74.

[3] This mine shall have the same prices in size groups 1, 2, 4, 6, and 18 on all price tables as listed for mine with Index Number 18.

[4] This mine shall have the same prices in size groups 1, 2 and 4 on all price tables as listed for mine with Index Number 14. This mine shall have a price in size groups 7, 11 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 10 and 18, respectively, for mine with Index No. 14.

[5] This mine shall have the same price in size group 1 on all price tables as listed for mine with Index Number 31. This mine shall have a price in size groups 13, 22 and 23 on all price tables, 10¢ under the price listed in each respective size group for mine with Index Number 40.

[6] This mine shall have a price in size groups 13, 19, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 12, 14, 17 and 18, respectively, for mine with Index Number 31.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads, and for exclusive use of railroads*—Supplement R-B

[Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads]

Mine index No.	Code member	Mine	S D	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1156	Ballenger & Taylor	Honeysuckle [7]	1	Mary Lee	102

[7] This mine shall have the same price for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See Page 36 of Price Schedule No. 1.)

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R-C

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price Instructions and exceptions]

Mine index No.	Code member	Mine	S D	Seam	Freight origin group
	MARION COUNTY, ALA.				
492	Wheeler, R. G.	Wheeler [1]	1	Black Creek	101
1164	Wheeler, R. G.	Wheeler [1]	1	Black Creek	101

[1] These mines shall have a price of $2.85 for size groups 13, 18 and 19, and a price of $2.75 for size group 23 for Steamship Vessel Fuel.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per ton for shipment into all market areas (Alabama)*—Supplement T-A

Code member index	Mine	S. D.	Mine index No.	Seam	Lump, over 2"; egg, top size over 6"	Egg top, size 6" and under	Lump, 2" and under	Nut, top size 3" and under, bottom size over ½"		Chestnut, top size 3" and under, bottom size ½" and under		Chestnut, top size 1½" and under, bottom size ½" and under		Run of mine modified R/M	Resultants, 3" and under		Screenings, 1½" and under		Industrial coal*
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25,
ALABAMA																			
JEFFERSON COUNTY																			
Black, Martin	Black Bat	2	1205	Lower Nunally	280	280	275	295	275			270	250	230	235	200	230	180	230
McConnell, Felton	McConnell	2	1203	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	240	265
TUSCALOOSA COUNTY																			
Perrin, D. J	D. J. Perrin	2	1202	North River	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Ray, C. F	Gilmore	2	1198	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
WALKER COUNTY																			
Fowler, C. J	Baker #2	2	1213	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	250	290

§ 333.43 *General prices in cents per net ton for shipment into all market areas (Tennessee)*—Supplement T-B

Code member index	Mine	Mine index No.	S. D.	Seam	Lump over 2"; egg top size over 5"	Egg top size 5" and under, bottom size 2" and under	Lump 2" and under	Nut top size 2" and under, bottom size 1" and under	Stoker top size 1½" and under, bottom size ⅜" and under	Stoker top size ¾" and under, bottom size ¾" and under	Straight and modified M/R	Resultants, 5" and under	Resultants, 4" and under	Screenings, 2" and under	Screenings, 1½" and under	Screenings, 1¼" and under	Screenings, ¾" and under	Screenings, ⅜" and under	Industrial coal *
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
MARION COUNTY																			
Cantrell, C. J	Cantrells	1220	4	Bluff	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Guess, J. C	Battle Creek	1206	4	Battle Creek			330				235	235	235	205	205				285
Layne Brothers (Edd Layne)	Lake Point	1210	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Nunley & Nolan (Buford Nunley)	Nunley & Nolan	1208	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
VAN BUREN COUNTY																			
Hart, C. W	Hart	732	4	Sewanee	(**)	(**)	(**)	(**)	240		(**)			(**)		(**)		155	(**)
WHITE COUNTY																			
Blaylock, Willie	Blaylock #9	1200	4	Bon Air	315	315	315	260	250	245	235	235	235	200	195	195	190	155	265
Prater & Prater (Earnest Prater)	Bon Air #1	1201	4	Bon Air	315	315	315	260	250	245	235	235	235	200	195	195	190	155	265
Rollins, Thomas J	Rollins #5	1199	4	Bon Air	315	315	315	260	250	245	235	235	235	200	195	195	190	155	265
Seals, Dan	Bon Air #4	1207	4	Bon Air	315	315	315	260	250	245	235	235	235	200	195	195	190	155	265
Stinnett & Sons	Meadow Branch	1214	4	Meadow Branch	315	315	315	260	250	245	235	235	235	200	195	195	190	155	265

*For sizes included see Size Group Table. **These Size Groups previously classified.

[F. R. Doc. 41-2310; Filed, March 28, 1941; 11:23 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[No. M-4]

GENERAL PREFERENCE ORDER TO DIRECT THE DISTRIBUTION OF NEOPRENE

MARCH 28, 1941.

The following order is issued by the Director of Priorities in the interest of the national defense and, pursuant to the authority vested in him by the Office of Production Management, Regulation No. 3, dated March 7, 1941, Executive Order No. 8629, dated January 7, 1941, and section 2 (a) of the Act of June 28, 1940, (Public No. 671, 76th Congress, Third Session):

Whereas it has been found that the demands of the national defense program create a shortage in the supply of Neoprene so that is it necessary in the interest of national defense and security to conserve the supply and to direct the distribution of Neoprene, now, therefore;

In order to insure fulfillment of all contracts or orders placed with the producer of Neoprene for deliveries thereof which are to enter directly or indirectly into the manufacture of any material for the Army or Navy and for the defense of Great Britain, including contracts or orders from other parts of the British Empire for that purpose, all hereinafter called "Defense Orders," to conserve the supply and provide for the fulfillment, insofar as possible, for nondefense orders, it is hereby ordered that no deliveries of Neoprene by the producer thereof shall be made except in accordance with such directions as may from time to time hereafter be given by Supplementary Orders issued pursuant hereto.

The producer shall maintain accurate records and information concerning inventories and stocks on hand, and concerning all contracts and orders placed with it, including the name and address of each customer and the kinds, quantities and value of material and applicable delivery schedules, and the dates of all actual deliveries thereunder; together with the preference ratings, if hereafter assigned to such contracts and orders. The same shall be furnished to the Priorities Division, Office of Production Management, Washington, D. C., whenever requested. The producer shall further submit from time to time, upon request, to an audit and inspection by representatives of the Priorities Division with respect to such contracts and orders, prospective and past deliveries, and inventories and stocks on hand.

This General Preference Order supersedes and cancels all previous general orders, directions and instructions of the Director of Priorities or of the Priorities Division of the Office of Production Management applicable to the producer of Neoprene and may be modified or terminated by the Director of Priorities at any time.

This order shall take effect on the 28th day of March, 1941, and unless previously terminated, shall expire on the 30th day of June 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-2332; Filed, March 29, 1941; 11:52 a. m.]

[No. M-4-a]

SUPPLEMENTARY ORDER

MARCH 28, 1941.

Pursuant to General Preference Order No. M-4, dated March 28, 1941, covering Neoprene, and pursuant to our analysis of the requirements of its customers for the month of April 1941, the E. I. du Pont de Nemours & Co., Inc., being the sole producer of Neoprene, is hereby directed to set aside five per cent of its production of Neoprene during the month of April 1941, before making any deliveries to the companies and in the amounts below set forth, said five per cent to constitute a reserve out of which no deliveries (except as set forth below as to one-tenth thereof) are to be made except pursuant to specific direction of the Director of Priorities from time to time hereafter.

Out of said five per cent reserve, there may be allocated on April 30, 1941, for experimental and laboratory purposes, not more than one-tenth of said five per cent, if the same shall be on hand and available after all deliveries made pursuant to specific direction of the Director of Priorities during the month of April 1941, as above provided. As to any Neoprene so allocated on April 30, 1941, for experimental and laboratory purposes, E. I. du Pont de Nemours & Co., Inc., shall render detailed information as to the use made to the Priorities Division, Office of Production Management, Washington, D. C.

The company is further directed to make deliveries of Neoprene during the month of April 1941 (after setting aside aforesaid reserve) to the companies and in the amounts in pounds specified below. Such deliveries include all deliveries in fulfillment of Defense Orders as defined in said General Preference Order No. M-4 and also all non-defense orders, to be made during the month of April 1941, except as hereafter further or otherwise directed by the Director of Priorities.

Name of company:	*Deliveries Total Allowed—Pounds*
Armstrong Cork	23,750
Chicago Rawhide	14,200
Fairfield Plant, E. I. du Pont de Nemours & Co	42,600
Firestone	14,650
Gates Rubber Company	11,800
General Electric	19,300
General Tire	3,150
Garlock Packing Company	14,200
Goodrich, B. F., Company	42,400
Goodyear Tire & Rubber Co	29,960
Hewitt Rubber Corp	29,300
Johns-Manville Corp	16,400
Kirkhill Rubber Company	34,300
Lima Cord Sole & Heel Co	7,200
Metal Hose & Tubing Company	4,000
Manhattan Rubber Mfg. Div., Raybestos-Manhattan Inc	36,700
Okonite Company	20,250
Phelps-Dodge Corporation	26,150
Raybestos Div	9,550
Republic Rubber Division, Lee Rubber & Tire Corp	8,050
United States Rubber Company	96,050
Victor Mfg. & Gasket Co	7,400
C. I. L	17,000
I. C. I	120,000
Acme Rubber Mfg. Co	6,400
American Anode, Inc	2,050
Arrowhead Rubber Co	1,100
B. B. Chemical Co	15,000
Baldwin Rubber Co	450
Belden Mfg. Co	2,150
S. Bingham's Son Mfg. Co	1,300
Boston Insulated Wire & Cable Co	2,100
Boston Woven Hose & Rubber Co	1,500
Buffalo Weaving & Belting Co	1,600
H. O. Canfield Co	7,200
Caram Mfg. Co	1,800
Continental Rubber Works	8,600
Corduroy Rubber Co	800
Dayton Rubber Mfg. Co	1,500
Detroit Gasket & Mfg. Co	3,000
Dryden Rubber Co	1,100
Electric Auto-Lite Co	650
Elkhart Rubber Works	3,550
Endicott-Johnson Corp	800
Essex Wire Corp	1,050
Featheredge Rubber Co	1,300
Felt Products Mfg. Co	2,050
General Cable Corp	2,000
L. H. Gilmer Co	400
Goshen Rubber & Mfg. Co	1,500
Hamilton Rubber Mfg. Co	8,800
Henrite Products Corp	3,000
Hood Rubber Co., Inc	500
Ideal Roller & Mfg. Co	1,350
Inland Mfg. Div., General Motors Corp	4,750
International Shoe Co	1,200
Jenkins Valve	1,550
MacEwan & Smith, Inc	950
Mercer Rubber Co	700
Mogul Rubber Corp	3,250
Ohio Rubber Co	2,850
Packard Electric Div., General Motors corp	4,050
Panther-Panco Rubber Co., Inc	1,200
Pioneer Rubber Co	2,050
Pioneer Rubber Mills	2,150
Premier Rubber Mfg. Co	800
Quabaug Rubber Co	800
Quaker Rubber Corp	6,650
Rapid Roller Co	1,800
Rubbercraft Corp. of California	9,850
Simplex Wire & Cable Co	2,950
E. M. Smith Co	450
Standard Products Co	900
Stowe-Woodward, Inc	450
Surety Rubber Co	1,200
Texas Rubber & Specialty Corp	650
Thermoid Rubber Co	1,750
Union Blacking Co	1,200
W. J. Voit Rubber Corp	2,100
Vulcan Proofing Co	6,150
West Co	2,650
Western Electric Co	1,050
Western Felt Works	1,700
Western Rubber Co	7,600
Westinghouse Air Brake Co	600
Whitehead Bros. Rubber Co	4,400
Acushnet Process Co	175
Aldan Rubber Co	50
Allpax Co	70
American Hard Rubber Co	250
American Rubber Mfg. Co	150
American Wringer Co	150
Anchor Rubber Co	200
Archer Rubber Co	50
Asbestos Textile Co., Inc	150
Castle Rubber Co	900
Central Rubber Co	800
Chardon Rubber Co	1,250
Chicago Rubber Clothing Co	75

Name of company—Con.	Deliveries Total Allowed—Pounds
Cincinnati Rubber Mfg. Co	300
Colt's Patent Fire Arms	400
Connecticut Hard Rubber Co	600
Crescent Insulated Wire & Cable Co	150
D. & M. Machine Works	80
Darnell Corp	60
De Laval Separator Co	800
Diamond Wire & Cable	50
Durite Plastics	50
Durkee-Atwood Co	50
Thomas A. Edison, Inc	200
Flintkote Co	150
Gavitt Mfg. Co	200
General Asbestos & Rubber Div. Raybestos-Manhattan, Inc	150
General Latex & Chemical Co	500
Goodyear (SF)	250
J. Greenebaum Tanning Co	400
Hart Leather Finish Corp	600
Highnote Rubber Co	200
Hodgman Rubber Co	150
Holtite Mfg. Co	175
Huntington Rubber Mills	75
Ideal Rubber Co	400
Industrial Rubber Goods Co	300
Ironwear Rubber Products	25
Johnson Rubber Co	150
Karpex Mfg. Co	200
Keasby & Mattison Co	75
Kerite Insulated Wire & Cable	550
Laurel Co	700
A. C. Lawrence Leather Co	50
Linear Packing & Rubber Co	600
Lea Fabrics Co	60
Lee Rubber & Tire Corp	300
Lord Mfg. Co	100
Lubron Co	400
MacClatchie Mfg. Co	200
Martin Rubber Co., Inc	200
C. H. Masland & Sons, Inc	300
Meyercord Co	25
E. E. Miller	200
Murray Rubber Co	600
National Electric Products	3,500
National Mechanical Products	300
National Rubber Roller	200
New York Rubber Corp	60
Non-Breakable Button Corp	800
Norton Co	250
Norwalk Tire & Rubber Co	100
Paranite Wire & Cable	125
Parker Appliance Co	25
Patterson Ballagh Corp	75
Pierce Roberts Rubber Co	800
Pittsburgh Plate Glass	65
Plymouth Rubber Co., Inc	200
Portable Lamp & Equipment Co	80
Precision Roll & Rubber Co	175
Pyrrole Products Co	50
A. J. Quinn & Co., Inc	50
Reliance Rubber Co	200
Respro, Inc	225
Rhodes Metalline Co., Inc	100
Rodic Rubber Corp	350
Roebling's Sons Co., John A	125
Rome Cable Corp	100
Roth Rubber Co	150
Rubber Millers, Inc	150
Salisbury & Co	200
Sanford Mills, Reading Rubber Div	275
Schact Rubber Mfg. Co	400
Schrader's Son Division, A	25
Scougal Rubber Mfg. Co	100
Seiberling Rubber Co	200
Sierra Rubber Co	75
Servus Rubber Co	20
M. L. Snyder & Son	65
Sponge Rubber Products Co	60
Spray Dip Rubber Corp	435
Tingley-Reliance Rubber Corp	70
Tyer Rubber Co	250
Typrene Roller Co	150
Union Asbestos & Rubber Co	300
Universal Rubber Co	125
Webster Rubber Co	150
West American Rubber Co., Inc	375
Wm. Bowman Rubber Co	500
Wooster Rubber Co	250
S. S. White Dental Mfg. Co	35
Stalwart Rubber Co	80
Swann Rubber Co	250
Synthetic Coatings, Inc	200
Tillotson Rubber Co	60
Triangle Conduit & Cable Co	100
United States Asbestos Division, Raybestos-Manhattan, Inc	250
Van Cleef Brothers	60
Virginia Rubatex Corp	250
Wilson Rubber Co	125
Seiberling Latex Products Co	250
Olympic Products Co	60
Passaic Rubber Co	150
Lower Rubber Mfg. Co	150
Elston Leather Finish Co	150
Edmont Mfg. Co	200
H. O. Canfield Co	175
Bowling Green Rubber Co	60
Toledo Industrial Rubber Co	1,200
La Favorite Rubber Mfg. Co	800
American Steel & Wire	3,500
Argentine Republic	1,100
Odds & Ends	1,575
Parker, Sterns & Co	450

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-2333; Filed, March 29, 1941; 11:52 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Customs.

[T.D. 50354]

CONVERSION RATE FOR CUSTOMS PURPOSES OF ARGENTINE PESO

MARCH 28, 1941.

To Collectors of Customs and Others Concerned:

Reference is made to the daily buying rates for foreign exchange which section 522 (c) of the Tariff Act of 1930 (U.S.C. title 31, sec. 372 (c)) directs the Federal Reserve Bank of New York to certify to the Secretary of the Treasury. The Department has been informed that beginning March 27, 1941, the list of rates certified by the Federal Reserve Bank of New York will include two rates for the Argentine peso, and that one of the two rates will be designated "official."

If, for the purpose of the assessment and collection of duties on merchandise imported into the United States, it is necessary to convert Argentine pesos into the currency of the United States, collectors of customs are hereby directed, in connection with entries of merchandise exported on or after March 27, 1941, and pending the receipt of further instructions from the Department, to suspend the liquidation of such entries. For the purpose of collecting deposits of estimated duties the value of the Argentine peso shall be regarded as that designated "official" in the list of rates above mentioned.

For the present, only that rate for the Argentine peso which is to be used in estimating duties in accordance with these instructions will appear in the weekly pamphlets and bound volumes of the Treasury Decisions.

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-2369; Filed, March 31, 1941; 11:47 a. m.]

WAR DEPARTMENT.

[Contract No. W 6708 qm-112; CQM-40]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: ROBERT E. M'KEE, GENERAL CONTRACTOR, 1918 TEXAS STREET, EL PASO, TEXAS

Contract for: Construction and Completion of AC Depot Technical Buildings.

Amount: $2,271,500.00.

Place: Albrook Field, Canal Zone.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth therein, and are chargeable to the Procurement Authorities noted below, the available balance of which is sufficient to cover the cost of same:

QM 2822 P 1-3211 A 0540.004-N, C. of B. U. & A. at MP No Yr.

QM 3414 P 1-3211 A 0540.035-N, C. of B. U. & A. at MP No Yr.

This contract, entered into this 18th day of July 1940.

Statement of work. The contractor shall furnish the materials, and perform the work for the construction and completion of buildings at Albrook Field, Canal Zone for the consideration of two million two hundred seventy-one thousand five hundred and no/100 ($2,271,500.00) dollars in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon be-

come the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the acts of August 12, 1935 (49 Stat. 610–611) and appropriated by Military Appropriation Act 1940, Public No. 44—76th Congress, approved April 26, 1939, and Supplemental Military Appropriation Act 1940, Public Number 164—76th Congress, approved July 1, 1939.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–2325; Filed, March 29, 1941; 9:46 a. m.]

NAVY DEPARTMENT.

[NOs–82571]

SUMMARY OF CONTRACT FOR EQUIPMENT

CONTRACTOR: FORD INSTRUMENT COMPANY, INC., LONG ISLAND CITY, NEW YORK

Under date of March 3, 1941, the Navy Department entered into a contract with the Ford Instrument Company, Inc. for the supply of certain items of Ordnance equipment at a total cost of $1,587,350.00. The contract is on a fixed price basis, provides for partial payments as the work progresses, and contains the usual default clause, patent clause, loss or damage and insurance clause and national defense clause.

W. H. P. BLANDY,
Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.

[F. R. Doc. 41–2326; Filed, March 29, 1941; 9:47 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Dockets Nos. A–137, A–208, and A–251]

PETITIONS OF DISTRICT BOARD 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED AND FOR THE REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES HERETOFORE CLASSIFIED AND PRICED, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT AND CHANGING PLACE OF HEARING

Hearing in the above-entitled matters having been heretofore duly set for March 31, 1941, at a hearing room of the Bituminous Coal Division in Washington, D. C.; and District Board 14 the petitioner therein having requested the postponement of said hearing until April 10, 1941, and that it be held in Fort Smith, Arkansas; and the petitioner having shown good cause therefor,

It is ordered, That the hearing in the above-entitled matters be and the same hereby is postponed to and set for April 10, 1941, at a hearing room of the Bituminous Coal Division, Circuit Court Room, Fort Smith, Arkansas, commencing at the hour of 10 o'clock in the forenoon of that day.

Dated: March 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–2349; Filed, March 31, 1941; 10:58 a. m.]

[Docket No. A–179]

PETITION OF OLLIE A. HURLEY, HUGH THORN, ET AL., FOR REVISION OF EFFECTIVE MINIMUM PRICES OF PRODUCERS IN PUTNAM COUNTY, MISSOURI

MEMORANDUM OPINION AND ORDER DENYING PRAYER FOR REOPENING HEARING AND DIRECTING THAT PETITION THEREFOR BE MADE PART OF RECORD

On October 26, 1940, the Division received from Ollie A. Hurley, Hugh Thorn, et al., code members in District 15 and located in Putnam County of Missouri, an original petition filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. This petition, which was assigned Docket No. A–179, prayed that the effective minimum prices for mines in Putnam County, District 15, for truck shipments, in Size Groups 1, 2, 3, 4 and 9, be reduced from $2.55 to $2.30 per ton. The petitioners having failed to comply with the Division's requirements as to service of 4 II (d) petitions (set forth in § 301.102 (f) of the Rules and Regulations Governing Practice and Procedure in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937), the Division itself undertook to cure this defect and serve copies of the petition upon the necessary persons. By Order dated October 29, 1940, the Director set Docket No. A–179 for hearing on November 12, 1940, at Moberly, Missouri, and granted temporary relief in the interim to the extent of reducing the prices in question from $2.55 to $2.40.

The hearing was held as scheduled. Conflicting evidence was introduced as to the propriety of the requested reductions, witnesses for District Board 12 urging vigorously that the relief requested should be denied, and that if it were granted, proportionate reductions be granted in the prices for District 12 producers located in Appanoose County, Iowa. After the hearing, and upon the basis of the record made therein, the Director issued an Order Revising Temporary Relief, dated December 7, 1940, whereby the full relief requested by the petitioners in Docket No. A–179 was granted, Putnam County prices in Size Groups 1, 2, 3, 4 and 9 being further reduced to $2.30 per ton.

Subsequently, on December 17, 1940, District Board No. 15 filed an original petition, entitled this Division's Docket No. A–492, praying that the effective minimum prices for truck shipments from Putnam County, District 15, be fixed at a base price of $2.30. Thereupon, the Division scheduled an informal conference for December 23, 1940, at Unionville, Missouri, concerning the prayer for temporary relief in this petition, under the provisions of § 301.106 (d) of the aforementioned Rules and Regulations Governing Practice and Procedure. In accordance with the proposal in the petition, the conference concerned itself with the various levels to be established for the coals of individual producers in Putnam County, if a basic price of $2.30 were established. District Boards 12 and 15 concurred in emphasizing that if Putnam County producers were accorded a price lower than $2.30, hundreds of other small producers in Missouri and Iowa would be injured and the price structure generally disrupted. A number of producers in Putnam County took the position that the $2.30 price was too high, urging that Putnam County coals be priced at $2.00 per ton.

On December 27, 1940, the Division received a petition from 18 code members in Putnam County, praying that Putnam County prices be reduced to $2.00 and that the hearing in Docket No. A–179 be reopened, either at Unionville or Kirksville, Missouri. The petition represented generally that the petitioners were unable to market their coals at a price of $2.30 per ton.

Having carefully considered the allegations urged in support of the aforesaid petition filed on December 27, 1940, and having reviewed the record made in Docket A–179 before Examiner McGown at the hearing therein, held in Moberly, Missouri, on November 12, 13, and 14, 1940, and the record of the conference held in Docket No. A–492 on December 23, 1940, at Unionville, Missouri, it appears to the Director that the aforesaid petition, in substance, repeats and restates the contentions previously made and now pending consideration; and accordingly, does not constitute an adequate basis for a reopening of said hearing.

Now, therefore, it is ordered, That the prayer for reopening of the hearing in Docket No. A–179 be denied; and

It is further ordered, That the aforesaid petition of December 27, 1940, be made a part of the record in Docket No. A–179.

Nothing herein contained shall be deemed prejudicial to the consideration of any subsequent petition, whether filed on behalf of any or all of the persons named in the aforesaid petition of December 27, 1940, or any other parties, praying for the reopening of the hearing in Docket No. A–179, provided that such petition is supported by a specific show-

ing of additional facts not heretofore submitted in this proceeding, and which are relevant to the issue involved herein.

Dated: March 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2351; Filed, March 31, 1941; 10:58 a. m.]

[Docket No. A-282]

PETITION OF DISTRICT BOARD 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

ORDER GRANTING TEMPORARY RELIEF

This is a proceeding instituted upon an original petition filed on October 31, 1940, by District Board 7 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. Petitioner requested temporary and final orders promulgating effective classifications and minimum prices for the coals of certain designated mines for which classifications and minimum prices had not theretofore been established. By Order of the Director dated November 12, 1940, the proceedings in Dockets Nos. A-282 and A-80 were consolidated, and effective classifications and minimum prices temporarily promulgated, pending final disposition of the matters involved, for the coals of certain mines listed in the Order. By Order of the Director dated January 21, 1941, temporary relief was granted, pending final disposition of the matter involved, to certain additional mines named therein.

Pursuant to Orders of the Director, a hearing was duly held in this proceeding before a duly designated Examiner, on December 2, 1940, in a hearing room of the Division. The Examiner is now preparing his report, findings of fact, and conclusions of law.

It appears from the record that the original petition proposed the establishment of effective minimum prices for coals produced at the Brown's Creek mine (Mine Index No. 720) owned and operated by J. R. Hunter, a code member in District 7, for truck shipment only, heretofore neither classified nor priced, and that temporary prices for such coals have not yet been established. The absence of effective minimum prices may prohibit this code member from marketing its coals. It further appears that the minimum prices proposed by the district board for these coals are proper and similar to those proposed for analogous coals.

It is therefore ordered, That a reasonable showing of the necessity for relief, pending final disposition of this matter, having been made, temporary relief be and it is hereby granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 7 for Truck Shipments shall be and the same is hereby amended by adding the following prices for the coals produced at the Brown's Creek Mine (Mine Index No. 720) of J. R. Hunter:

Size group					
1	2	3	4	5	6
2.90	2.50	2.70	2.05	1.85	1.80

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2347; Filed, March 31, 1941; 10:57 a. m.]

[Docket No. A-532]

PETITION OF WILMORE FUEL COMPANY, A PRODUCER IN DISTRICT 1, FOR PERMISSION TO SUBSTITUTE RUN OF MINE COAL FOR 2" x 0 SLACK COAL FOR A PERIOD OF 60 DAYS, PENDING THE INSTALLATION OF A CRUSHER, ON SHIPMENTS TO CONSOLIDATED EDISON COMPANY OF NEW YORK, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

SUPPLEMENTAL MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

On February 27, 1941, an Order of the Director granted temporary relief to the original petitioner, Wilmore Fuel Company, a code member in District 1, permitting the petitioner to deliver for a period of not more than 30 days thereafter, not more than 10,000 tons of its mine-run coal from its Mack No. 2 Mine to Consolidated Edison Company of New York for use at the Company's 14th Street Plant at a minimum f. o. b. mine price of $2.05 per ton: *Provided,* That petitioner file statements of all deliveries made thereunder with the Division in Washington, D. C.

On March 21, 1941, petitioner filed a motion requesting that such relief be extended for an additional 30 days, or until such time as crushing equipment is installed in operating condition, whichever is sooner.

Petitioner's motion recites that work on the installation of a crusher is in process but cannot be completed within the 30 days specified in the original order, due to a shortage of qualified workmen and to priority orders in the plant of the contractor. District Board 1, by its counsel, joins in the motion and requests that the temporary order be extended for an additional 30 days.

Under all the circumstances, I am of the opinion that the temporary relief granted to petitioner in my order of February 27, 1941 to permit it to deliver not more than 10,000 tons additional of the mine-run coal from its Mack No. 2 Mine to Consolidated Edison Company of New York for use at its 14th Street Plant at a minimum f. o. b. mine price of $2.05 per ton should be extended, provided that petitioner shall file statements of all deliveries made under this order with the Bituminous Coal Division in Washington, D. C., and provided further that such relief shall terminate on April 26, 1941, or upon the completion of installation of the crushing equipment, whichever shall be sooner.

Accordingly, it is so ordered.

Dated: March 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2345; Filed, March 31, 1941; 10:56 a. m.]

[Docket No. A-555]

PETITION OF LEONARD E. BILLMAN FOR REDUCTION OF THE EFFECTIVE MINIMUM PRICE FOR CERTAIN SLACK COALS IN ITS STOCK PILES

MEMORANDUM OPINION CONCERNING TEMPORARY RELIEF

This is a proceeding instituted upon an original petition filed on January 7, 1941, by Leonard E. Billman, a code member in District No. 4, pursuant to the Rules and Regulations Governing Practice and Procedure under section 4 II (d) of the Bituminous Coal Act of 1937. Petitioner alleges that it has stored approximately 12,000 tons of 2" nut and slack in a stock pile; that this coal has ignited and is slowly burning; and that the coal remaining in the pile cannot be sold unless a reduction of 40¢ per ton in the effective minimum price of such coal can be made. District Boards 4 and 6 filed petitions of intervention in this proceeding.

Pursuant to request of the original petitioner and after due notice to all interested persons an informal conference concerning temporary relief was held in Washington, D. C., on February 8, 1941. The original petitioner and District Boards 2, 3, and 4 entered appearances at the conference. Petitioner owns and operates a strip mine, Mine Index No. 1629, in District 4. The effective minimum price of 2" nut and slack from this mine for truck shipment is $1.90 per ton. Petitioner produces 800 to 1,000 tons per day and has been operating steadily since October 1, 1940.

It was represented at the conference that petitioner had on hand about 12,000 tons of 2" nut and slack, which it had put into a large stock pile near its mine. Petitioner stated that it had accumulated this stock partly through inability to market certain sizes and partly through unwillingness to sell certain coal which it deemed not of the best quality. Petitioner further represented that the coal in the stock pile had ignited and that efforts to extinguish the fire had not been very successful. It appears that petitioner stored on its

property about 20,000 tons of coal for a customer. The storage of its own coal in a more solid, compact pile (resulting from the lack of space) considerably increased the fire hazard.

Petitioner stated that its principal customers are large industrial plants in the vicinity, to which its ships coal by truck. Petitioner admitted it had never attempted to screen 2" x ¾" coal out of the stock pile and sell it to industrial consumers; it further admitted that prior to October 1, 1940, mines with burning coal on hand had been unable to dispose of it. However, petitioner stated that certain of its regular customers had expressed a willingness to purchase this coal at $1.50 per ton and that the entire tonnage left in the stock pile (about 9,000 tons) would be used by these purchasers in 45 days.

Petitioner further stated that various nearby producers have stored considerable quantities of coal, of which they have not been able to dispose. He admitted that if relief were granted in this proceeding, it would have only a temporary effect on his business and in the not distant future a repetition of present conditions could be expected.

Upon the record of the informal conference I am of the opinion that temporary relief should not be granted. Petitioner must bear much of the responsibility for its present condition. Part of petitioner's trouble stems from sales in unusual quantities to consumers, prior to October 1, 1940, for stocking purposes. This served to aggravate the problem of balancing production that is constantly before every producer. Petitioner aggravated its difficulties by reducing the amount of storage space available for its own coals, which foreseeably increased the fire hazard. Moreover, petitioner admits that if relief is granted now, it is likely to need similar relief in the future. Petitioner's position (except for the fire) is no different from that of other District 4 producers, and a policy of permitting producers to dispose of coal in storage at prices less than the effective minimum will encourage destructive practices and will have a serious adverse effect on the entire minimum price structure. My decision to deny the application for temporary relief is strengthened by the fact that at the informal conference District Boards 2, 3, and 4 opposed the request for temporary relief.

It is therefore ordered, That the prayer for temporary relief, pending final disposition of the petition herein, be, and the same hereby is, denied.

Dated: March 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2344; Filed, March 31, 1941; 10:56 a. m.]

[Docket No. A-564]

PETITION OF DISTRICT BOARD NO. 6, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES IN DISTRICT NO. 6, NOT HERETOFORE CLASSIFIED AND PRICED

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

The above named petitioner has filed an original petition under section 4 II (d) of the Bituminous Coal Act of 1937, requesting price classifications and minimum prices for all shipments except truck for certain mines in District No. 6 not heretofore classified for such shipments, but which have previously been classified for truck shipment. The petition also requests price classifications and minimum prices for the coal of several mines which have not heretofore been classified in any way. The petition requests temporary relief and an informal conference was held on January 27, 1941, upon due notice to interested parties. Petitioner and Valley Camp Coal Company were represented at the informal conference.

The representative of the petitioner who appeared at the informal conference stated that District Board No. 6 had been asked to classify certain truck mines for rail and river shipment and had accordingly done so. He further stated that to the extent that such mines had a history of shipments of coal by rail or river such shipments have been accomplished by sales of coal from these mines to other producing or selling companies and movement thereof by such purchasers via river or rail. It appears that none of the mines in this group have direct river or rail connections, but must truck their coal to river loading docks, each of which is owned by the Costanza Coal Mining Company, which purchases such coal, or to rail loading docks owned either by a producing company or by the railroad. Thus, so far as the particular code members here involved are concerned the entire movement of their coals in the past has been a truck movement. The mines are still able to dispose of their coal in this manner at the truck prices plus transportation costs or charges.

It further appears that the practice of the operators of these small truck mines of selling coal to larger producing companies or selling companies has not afforded the only outlet for the slack coals of the mines in the past. The data submitted for the record of the informal conference shows that only three of the mines involved have, in the past five years, produced coal which was shipped by rail. The movement to rail or river points for sale and transshipment has been sporadic and small compared with the exclusively truck movement of coals from those mines.

Thus, there is no showing of regular and substantial shipments of coal by rail or river by the mines involved in the petition. Moreover, there is no showing of the proper delivered relationships between the coals here involved and other coals shipped by rail or river to the destinations where this coal would move if rail and river prices were granted. The mines included in this petition range in distance up to seven miles from the rail or river loading point from which shipment is contemplated, yet the request is to price all in such a manner as to allow complete absorption of transportation charges to the loading dock. If such prices were granted without a more complete exploration of all facts and a detailed showing of the propriety of the prices recommended, these code members might be enabled to enter markets which they have not heretofore reached, to the serious injury of other code members.

The Director has carefully considered the request for temporary relief, the views expressed and data submitted in connection therewith at the informal conference. The Director finds that petitioner has made no adequate showing of actual or impending injury in the event the temporary relief as to rail and river prices is not granted, and further finds that the granting of this relief would unduly prejudice other interested persons in advance of a hearing, and that no sufficiently clear showing has been made that petitioner is entitled to the relief prayed.

Now, therefore, it is ordered, That to the extent that the petition prays for the establishment of prices for other than truck shipments for the mines involved therein, the temporary relief is denied.

It is further ordered, That, a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above entitled matter, temporary relief be, and the same is, hereby granted as follows: Commencing forthwith the truck coals referred to in the Temporary Supplement annexed hereto and made a part hereof shall be subject to minimum prices as provided therein.

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this order may be filed in accordance with the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2346; Filed, March 31, 1941; 10:57 a. m.]

[Docket No. A–597]

PETITION OF THE CONSUMERS' COUNSEL DIVISION FOR A REDUCTION IN THE MINIMUM PRICES OF SIZE GROUPS 6, 7, 8, AND 9, PRODUCED IN DISTRICT 4 FOR SHIPMENT TO MARKET AREAS 4, 5, AND 7 TO 21, INCLUSIVE, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A–692]

PETITION OF DISTRICT BOARD 4 FOR REDUCTION OF THE PRICE LEVEL OF DISTRICT NO. 4 COALS IN SIZE GROUPS 7 AND 8 MOVING INTO MARKET AREAS 4, 5, 10–15, AND 20–22, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A–693]

PETITION OF DISTRICT BOARD 4 FOR ADJUSTMENT OF SEASONAL DISCOUNTS APPLICABLE TO THE DOMESTIC COALS OF DISTRICT NO. 4 INTO ALL MARKET AREAS INTO WHICH SUCH COALS MOVE, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A–694]

PETITION OF DISTRICT BOARD 4 FOR THE ELIMINATION OF A SEPARATE CLASSIFICATION AND PRICE FOR CRUSHED COAL IN DISTRICT NO. 4, EXCEPT IN THE CASE OF THE COAL SHIPPED INTO MARKET AREAS 14, 16, 17, 18, AND 19, AND BY RIVER, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A–693, POSTPONING HEARINGS, AND DENYING MOTION FOR CHANGE OF VENUE

The original petitioner in Docket No. A–597 has filed a motion for postponement of the consolidated hearing in the above-entitled matters, heretofore scheduled for April 2, 1941. This petitioner has also moved for a change of venue, asking that all or part of the hearing be held in Cleveland, Ohio, for the convenience of witnesses which petitioner intends to present.

There is no opposition to the motion for postponement. Therefore, the consolidated hearing in Dockets Nos. A–597, A–692, and A–694 will be postponed to April 24, 1941, at ten o'clock in the forenoon, in a room to be designated by the Chief of the Records Section of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. The last day upon which petitions of intervention may be filed in these matters will be postponed to April 19, 1941.

However, Docket No. A–693 should be severed from the three foregoing dockets and the hearing in Docket No. A–693 postponed only until April 8, 1941. The last day for filing petitions of intervention in this docket will be postponed to April 3, 1941.

I am of the opinion that the motion for change of venue to Cleveland, Ohio, should be denied at this time. The matters involved in these dockets are complex in nature and have widespread effect. It may be necessary to utilize a large volume of data and records on file at the offices of the Division in Washington during the course of the hearing. Moreover, other parties might be seriously inconvenienced if the hearing were to be held in Cleveland. However, if the petitioner discovers at the time of the hearing that it is prevented from making a proper and full presentation of evidence by reason of the hearing being held in Washington, it may at such time make application for a continuance of the hearing for the purpose of taking testimony in Cleveland.

In all other respects, except as the Examiner designated to preside at said hearings may hereafter be changed without notice, the original Notice of and Order for Hearing shall remain in full force and effect.

Accordingly, it is so ordered.

Dated: March 29, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–2348; Filed, March 31, 1941; 10:57 a. m.]

[Docket No. A–641]

PETITION OF PITTSBURGH COAL COMPANY, A PRODUCER IN DISTRICT NO. 2, FOR REVISION OF THE MINIMUM PRICE OF COAL IN SIZE GROUP 10 WHEN SOLD FOR USE IN MARKET AREA 4, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISMISSAL

The original petitioner in the above-entitled matter, having filed a motion requesting that the petition be dismissed without prejudice and that the hearing thereon, scheduled for April 2, 1941, be cancelled; and there being no opposition to this motion,

It is ordered, That the original petition in Docket No. A–641 be dismissed, and that the hearing thereon, scheduled for April 2, 1941, be cancelled.

Dated: March 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–2350; Filed, March 31, 1941; 10:58 a. m.]

[Docket No. A–761]

PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR SEVENTH VEIN COALS TO BE PRODUCED BY H. A. SIEPMAN COAL COMPANY, A CODE MEMBER PRODUCER IN DISTRICT NO. 11, AT ITS EBONY MINE, MINE INDEX NO. 33, WHICH COALS HAVE NOT HERETOFORE BEEN CLASSIFIED AND PRICED

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter be held, under the applicable provisions of said Act and the rules and regulations of the Division, on April 24, 1941, at 10 o'clock a. m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the originial petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 18, 1941.

The matter concerned herewith is in regard to the petition of District Board 11 for the establishment of price classifications and minimum prices for Seventh Vein coals to be produced by the H. A. Siepman Coal Company, a code member producer in District No. 11, at its Ebony Mine, Mine Index No. 33, which coals have not heretofore been classified and priced.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

It is further ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-en-

titled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, and supplementing the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck, the coals referred to in the schedule marked "Temporary Supplement", annexed hereto and made part hereof, shall be subject to minimum prices as provided in said schedule.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2343; Filed, March 31, 1941; 10:56 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[ACP-1941 Adair County, Iowa]

1941 ADAIR COUNTY, IOWA, SPECIAL AGRICULTURAL CONSERVATION PROGRAM BULLETIN

CONTENTS

Payments will be made for participation in the 1941 Adair County, Iowa, Special Agricultural Conservation Program (hereinafter referred to as the 1941 Adair County Program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. This program will be applicable only in Adair County, Iowa.

SECTION 1. *Allotments, yields, productivity indexes, payments, and deductions.* The provisions of § 701.201, paragraphs (a) Corn, (h) Wheat, and subparagraphs (1) and (4) of paragraph (k) Miscellaneous, of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as paragraphs (a), (b), and subparagraphs (1) and (2) of paragraph (d), respectively, of this section 1.

The provisions of § 701.201, paragraph (i) General and Total Soil-Depleting, of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as paragraph (c) of this section 1, with the following changes:

The figure "$1.00" is substituted for the figure "$1.10" where it appears in subparagraph (8).

The figure "$7.25" is substituted for the figure "$8.00" where it appears in subparagraph (9), items (i) and (ii).

SEC. 2. *Soil-building goals, payments, and practices.* The provisions of § 701.202, paragraphs (a) National Goal, (b) County Goals, and (c) Farm Goals, of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as paragraphs (a), (b), and (c), respectively, of this section 2.

The provisions of § 701.202, paragraph (d) Soil-Building Allowance, of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as paragraph (d) of this section 2, with the following changes:

Items (ii), (iii), and (iv) of subparagraph (3) and subparagraphs (4), (5), and (7) are deleted.

The figure "$1.00" is substituted for the figure. "$1.10" where it appears in subparagraph (6), and subparagraph (6) is renumbered subparagraph (4).

Subparagraph (8) is renumbered subparagraph (5).

The following new subparagraph (6) is added:

The smaller of $20.00 or the amount earned by first year growing on the contour of alternate strips of intertilled crops with sown, close-drilled, or sod crops and first year contour farming or intertilled crops.

The provisions of § 701.202, paragraph (e) Deduction for Failure to Maintain Practices under Previous Programs, of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as paragraph (e) of this section 2.

The provisions of paragraph (f) Soil-Building Practices, of § 701.202 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as paragraph (f) of this section 2, with the following changes:

The first two sentences of paragraph (f) are omitted and the following is added in their stead:

(f) The soil-building practices included hereunder may qualify for payment at the rates shown when carried out under the provisions of the 1941 program during the period October 1, 1940, to September 30, 1941, inclusive.

The Schedule of Soil-Building Practices and Maximum Rates under paragraph (f) is changed to read as follows:

Schedule of soil-building practices and maximum rates. The rates of payment for soil-building practices are the maximum rates allowable, and the rate of payment for any practice included shall, if necessary in order to reflect relative costs or desirability of the practice for Adair County, Iowa, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration.

Practices (1), (2), (3), (4), (5), (6), (7), (10), (11), (14), (17), (18), (20), (22), (23), (27), (31), (33), (36), (38), (39), (40), (41), (42), (47), (48), (50), and (53) of paragraph (f) of § 701.202 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as the practices under paragraph (f) of this section 2 and the following soil-building practices are added thereto:

(101) Stripcropping on the contour the first year on a field—$2.00 per Acre.

(102) Contour planting of intertilled crops the first year on a field—$1.00 per Acre.

SEC. 3. *Soil-depleting acreage.* The provisions of § 701.203 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as this section 3.

SEC. 4. *Division of payments and deductions.* The provisions of § 701.204 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as this section 4.

SEC. 5. *Increase in small payments.* The provisions of § 701.205 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as this section 5.

SEC. 6. *Payments limited to $10,000.* The provisions of § 701.206 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as this section 6.

SEC. 7. *Deductions incurred on other farms.* The provisions of § 701.207 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as this section 7.

SEC. 8. *Deductions for association expenses.* The provisions of § 701.208 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as this section 8.

SEC. 9. *Conservation materials.* The provisions of § 701.209 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as this section 9.

SEC. 10. *General provisions relating to payments.* The provisions of § 701.210 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as this section 10.

SEC. 11. *Application for payment.* The provisions of § 701.211 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as this section 11.

SEC. 12. *Appeals.* The provisions of § 701.212 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as this section 12.

SEC. 13. *State and regional bulletins, instructions, and forms.* The provisions of § 701.213 of the 1941 Agricultural Conservation Program Bulletin (ACP-1941) are incorporated as this section 13.

SEC. 14. *Definitions.* The provisions of paragraphs (a), (c), (d), and (e) of § 701.214 of the 1941 Agricultural Con-

servation Program Bulletin (ACP–1941) are incorporated as paragraphs (a), (c), (d), and (e), respectively, of this section 14. The provisions of paragraph (b), subparagraphs (4) and (6), of § 701.214 of the 1941 Agricultural Conservation Program Bulletin (ACP–1941) are incorporated as paragraph (b), subparagraphs (1) and (2), of this section 14.

SEC. 15. *Authority, availability of funds, and applicability*—(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148) as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1941, the payments provided for herein will be made for participation in the 1941 program.

(b) *Availability of funds.* The provisions of the program are subject to such laws affecting the program as Congress may enact and are dependent upon the appropriation of funds by Congress. The amounts of the payments will be within the limits determined by such appropriation, the distribution of the funds according to the Act, as amended, the final estimate of payments which would be made in Adair County under the 1941 National Agricultural Conservation Program, and the extent of participation in the program. The rates of payment and deduction for any commodity or other item may be increased or decreased as an adjustment for participation and the funds available.

(c) *Applicability.* The provisions of this bulletin are applicable only in Adair County, Iowa, and are not applicable to (1) any department or bureau of the United States Government and any corporation wholly owned by the United States and (2) lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership. Lands under (2) above include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Division of Grazing or the Bureau of Biological Survey of the United States Department of the Interior.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Administration finds that land administered by other agencies complies with all of the foregoing provisions for eligibility.

Done at Washington, D. C., this 29th day of March 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41–2338; Filed, March 29, 1941; 12:40 p. m.]

Bureau of Entomology and Plant Quarantine.

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF EXTENDING THE DUTCH ELM DISEASE QUARANTINE TO THE STATE OF PENNSYLVANIA

MARCH 31, 1941.

The Secretary of Agriculture has information that the Dutch elm disease, a dangerous plant disease not heretofore widely prevalent or distributed within and throughout the United States but known to exist in parts of Connecticut, New Jersey, and New York, was found in 1938 to extend into Pennsylvania from the contiguous area under regulation in the above-named States. While the area in question has been under Pennsylvania State quarantine in the meantime, it is necessary to consider the advisability of extending the Federal quarantine (7 CFR 301.71 *Notice of Quarantine* [Notice of Quarantine No. 71]) to the State of Pennsylvania for the purpose of placing area in that State under regulation and of prohibiting or regulating the interstate movement therefrom of the following articles: Elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (1) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (2) logs or cordwood of such plants; and (3) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants (unless the wood is entirely free from bark).

Consideration will also be given to the advisability of prohibiting or regulating certain types of movement of restricted commodities interstate from point to point within the regulated area.

Notice is therefore hereby given that, in accordance with Section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; U.S.C. 161), as amended, a public hearing will be held before the Bureau of Entomology and Plant Quarantine in the auditorium of the Department of Agriculture, Washington, D. C., in the South Building, Independence Avenue and 14th Street SW., at 10:00 a. m., April 9, 1941, in order that any person interested in the proposed quarantine may appear and be heard either in person or by attorney.

[SEAL] PAUL H. APPLEBY,
Under Secretary.

[F. R. Doc. 41–2366; Filed, March 31, 1941; 11:38 a. m.]

Rural Electrification Administration.

[Administrative Order No. 569]

ALLOCATION OF FUNDS FOR LOANS

MARCH 25, 1941.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 1008W2 Wilkes	$3,000
Georgia 1087W2 Tattnall	4,000
Iowa 1021W2 Guthrie	2,000
Michigan 1005W1 Lenawee	3,000
Minnesota 1032W3 Fillmore	2,500
Nebraska 1069W2 Dawson District Public	10,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41–2339; Filed, March 29, 1941; 12:40 p. m.]

Surplus Marketing Administration.

[Docket No. AO 101–A 2]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 41, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA, INCLUDING AMENDMENTS TO THE MARKETING AREA TO INCLUDE NUMEROUS TOWNSHIPS IN DU PAGE AND COOK COUNTIES, ILLINOIS, AND IN LAKE COUNTY, INDIANA, AND THE TOWN OF AURORA, ILLINOIS

Notice is hereby given of a hearing to be held in the Stevens Hotel, Chicago, Illinois, beginning at 10:00 a. m., c. s. t., April 9, 1941, on proposed amendments to the tentatively approved marketing agreement, as amended, and to Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

Proposed amendments have been submitted by The Pure Milk Association, by the Associated Milk Dealers, Inc., by the Ice Cream Manufacturers Association of Cook County, by the Harding Hotel Company, and by Hays Dairy Products and this public hearing is for the purpose of receiving evidence with respect to such proposed amendments

(1) redefining the marketing area to include numerous townships in Du Page and Cook Counties, Illinois, and in Lake County, Indiana, and the Town of Aurora, Illinois; (2) changing the definition of producer to include a definition of "new producer"; (3) redefining the classes of utilization, particularly with reference to bulk milk sold to bakeries, soup companies, candy manufacturers, hotels, restaurants, and retail food establishments; (4) providing for a Class II–A to include milk disposed of as ice cream, ice cream mix, and frozen cream, and providing for the pricing of Class II–A at a seasonally adjusted premium over the evaporated milk price; (5) increasing the price of Class I milk disposed of to low-income and relief persons from $1.63 to $1.75 per hundredweight; (6) providing that the price of Class I milk disposed of outside the marketing area shall not be less than the Class II price, and that the price of Class I milk sold to United States Government training camps outside the marketing area shall be the same as for Class I milk disposed of within the marketing area; (7) providing for payment by handlers for "overrun"; (8) revising the method of computing the uniform price; (9) revising the time and method of payment to provide for payments to new producers; and (10) substituting for the present price formula for Class IV milk a formula based upon prices of skim milk powder for human food.

Notice of a hearing has been issued on a proposed marketing agreement and a proposed order regulating the handling of milk in the Cook-Du Page Counties, Illinois, marketing area, which marketing area includes much of the same territory as is incorporated in the proposed amendment redefining the Chicago, Illinois, marketing area. The hearing on the proposed marketing agreement and order regulating the handling of milk in the Cook-Du Page Counties, Illinois, marketing area will be held at the same time and place as the hearing on the proposed amendments set forth in this notice of hearing.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310 South Building, or may be there inspected.

Dated: March 31, 1941.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41–2368; Filed, March 31, 1941; 11:38 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531) as amended, April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective March 31, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Acme Manufacturing Company, 1123 Washington Street, Saint Louis, Missouri; Apparel; Underwear and playsuits; 25 learners; (75% of the applicable hourly minimum wage); July 28, 1941.

Buffalo Faultless Pants Company, Inc., 133 S. Division Street, Buffalo, New York; Apparel; Men's Trousers; 5 learners (75% of the applicable hourly minimum wage); March 31, 1942.

Covington Manufacturing Company, Covington, Georgia; Apparel; Work and sport shirts; 14 learners (75% of the applicable hourly minimum wage); July 14, 1941.

Durable Pants Company, Inc., 902 Main Street, Northampton, Pennsylvania; Apparel; Single pants; 20 learners (75% of the applicable hourly minimum wage); June 23, 1941.

G. & B. Novelty Company, 106 Jackson Street, South River, New Jersey; Apparel; Pajamas & Ladies' Beach Wear; 4 learners (75% of the applicable hourly minimum wage); March 31, 1942.

Goodenow Textiles Company, 3710 Main Street, Kansas City, Missouri; Apparel; Men's and Boys' Underwear; 5 learners (75% of the applicable hourly minimum wage); March 31, 1942.

Herrmann Handkerchief Company, Inc., 661–63 North 8th Street, Lebanon, Pennsylvania; Apparel; Handkerchiefs; 5% (75% of the applicable hourly minimum wage); March 31, 1942.

Hillsdale Manufacturing Company, Morse Street and 11 Hanchett Street, Coldwater, Michigan; Apparel; Sportswear; 10% (75% of the applicable hourly minimum wage); June 23, 1941.

Jolly Kids Garment Manufacturing Company, Belding, Michigan; Apparel; Pajamas, children's and infants' cotton garments; 5% (75% of the applicable hourly minimum wage); March 31, 1942.

Minersville Dress Manufacturing Company, Inc., 117 Front Street, Minersville, Pennsylvania; Apparel; Ladies' Dresses; 30 learners; (75% of the applicable hourly minimum wage); September 15, 1941.

Penn Children's Dress Company, 831 Lackawanna Avenue, Mayfield, Pennsylvania; Apparel; Children's Dresses; 15 learners; (75% of the applicable hourly minimum wage); June 23, 1941.

The Pyke Manufacturing Company, 154 West Second South Street, Salt Lake City, Utah; Apparel; Overalls, pants, dressmakers ensembles; 5 learners; (75% of the applicable hourly minimum wage); June 23, 1941.

Quality Vest Shop, Sixth and Montrose Streets, Vineland, New Jersey; Apparel; Men's vests; 5 learners; (75% of the applicable hourly minimum wage); March 31, 1942.

South Side Dress Company, 1805 Pittston Avenue, Scranton, Pennsylvania; Apparel; Children's and misses' dresses; 5% (75% of the applicable hourly minimum wage); March 31, 1942.

E. R. Springstead, 115 East Henry Street, Elmira, New York; Apparel; Waitress Uniforms; 5 learners (75% of the applicable hourly minimum wage); March 31, 1942.

Sunnyvale, Incorporated, 614 Wyoming Avenue, Scranton, Pennsylvania; Apparel; Wash dresses; 18 learners (75% of the applicable hourly minimum wage); July 28, 1941.

Trembly Manufacturing Company, 2124½ Main Street, Dallas, Texas; Apparel; Men's pants; 5 learners (75% of the applicable hourly minimum wage); March 31, 1942.

Warrensburg Shirt Company, 50 River Street, Warrensburg, New York; Apparel; Men's Cotton & Flannel shirts; 10% (75% of the applicable hourly minimum wage); June 23, 1941.

Weil-Kalter Manufacturing Company, Washington & Lafayette Streets, Millstadt, Illinois; Apparel; Woven Underwear; 10 learners (75% of the applicable hourly minimum wage); July 28, 1941.

H. Weinman, 226 South 11th Street, Philadelphia, Pennsylvania; Apparel;

Children's Dresses; 15 learners (75% of the applicable hourly minimum wage); July 28, 1941.

The Booster Glove Company, 2068–2076 Elston Avenue, Chicago, Illinois; Apparel; Gloves; Work Gloves; 1 learner; September 30, 1941.

Crocetta Brothers & Company, Inc., 138 North Arlington Avenue, Gloversville, New York; Gloves; Leather Dress Gloves; 5 learners; September 30, 1941.

The Glove Corporation, 1535 South B Street, Elwood, Indiana; Gloves; Work Gloves; 25 learners; September 30, 1941.

Independent Glove Company, 2035 W. Charleston Street, Chicago, Illinois; Gloves; Knit Fabric Gloves; 2 learners; March 31, 1942.

Stott & Son Corporation, Winona, Minnesota; Gloves; Work Gloves; 3 learners; March 31, 1942.

Grayson Full-Fashioned Hosiery Mills, Inc., Independence, Virginia; Hosiery; Full fashioned hosiery; 22 learners; November 30, 1941.

Kiser Hosiery Mill, Hickory, North Carolina; Hosiery; Seamless hosiery; 3 learners; March 31, 1942.

F. F. Laughlin Hosiery Mills, Inc., Randleman, North Carolina; Hosiery; Full fashioned hosiery; 15 learners; November 30, 1941.

Mt. Pleasant Hosiery Mills, Inc., Mt. Pleasant, North Carolina; Hosiery; Seamless Hosiery; 5 learners; March 31, 1942.

Randleman Full Fashioned Hosiery Mills, Inc., Randleman, North Carolina; Hosiery; Full fashioned hosiery; 23 learners; November 30, 1941.

E-Z Mills, Inc., Johnson Street, Cartersville, Georgia; Knitted Wear; Knitted Underwear; 8 learners; March 31, 1942.

Signed at Washington, D. C., this 31st day of March 1941.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 41–2375; Filed, March 31, 1941; 11:57 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective March 31, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

A. Aptaker, 134 West Onondaga Street, Syracuse, New York; Willow Baskets; 10 learners; 4 weeks for any one learner; 25 cents per hour; Basket Weavers; September 1, 1941.

Chadwick Manufacturing Company, Coleman, Wisconsin; Manufacturing tavern, restaurant and beauty parlor fixtures and general woodwork; 3 learners; 12 weeks for any one learner; 25 cents per hour; Cabinet Maker; July 21, 1941.

The Porter Corporation, 72 Irving Street, Framingham, Massachusetts; Mosquito Bars; 10%; 320 hours for any one learner; 25 cents per hour; Stitcher on Mosquito Bars; June 9, 1941.

Shenandoah Floral Manufacturing Company, Franklintown, Pennsylvania; Manufacturing floral baskets, prepared foliage wreaths; 3 learners; 4 weeks for any one learner; 25 cents per hour; Basket Weaver; May 12, 1941.

Troy Cross Arm Company, Troy, North Carolina; Finished Lumber; 4 learners; 6 weeks for any one learner; 25 cents per hour; Planer Operator, Molder Operator, Saw Operator; May 26, 1941.

Troy Cross Arm Company, Troy, North Carolina; Finished Lumber; 2 learners; 12 weeks for any one learner; 25 cents per hour; Machinist and Mechanic; July 21, 1941.

Troy Cross Arm Company, Troy, North Carolina; Finished Lumber; 5 learners; 4 weeks for any one learner; 25 cents per hour; Lumber Stacker and Sorter; May 12, 1941.

Signed at Washington, D. C., this 31st day of March 1941.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 41–2376; Filed, March 31, 1941; 11:57 a. m.]

[Administrative Order No. 96]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 23 FOR THE GRAY IRON JOBBING FOUNDRY INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. Harold J. Ruttenberg from Industry Committee No. 23 for the Gray Iron Jobbing Foundry Industry and do appoint in his stead, as representative for the employees on such Committee, Mr. Stanley H. Ruttenberg, of Washington, D. C.

Signed at Washington, D. C., this 31st day of March 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41–2377; Filed, March 31, 1941; 11:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6041]

NOTICE RELATIVE TO WMAS, INCORPORATED (WMAS)

Application dated December 7, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Springfield, Mass.; operating assignment specified: frequency, 880 kc. (910 kc. NARBA); power, 1 kw. night, 5 kw. day (DA night and day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice.

2. To determine the nature and extent of any interference which would result to the service areas of WMAS and WQAN-WGBI, should Station WMAS operate as proposed simultaneously with Station WQAN-WGBI, Scranton, Pennsylvania.

3. To determine the nature and extent of any interference which would result during the daytime to the service area of Station WMAS, should Station WMAS operate as proposed simultaneously with Station WJAR, Providence, Rhode Island.

4. To determine the nature and extent of any interference which would result to the service areas of Station WMAS and the Canadian station CBO, Ottawa, Canada, should Station WMAS operate as proposed simultaneously with Station CBO after the effective date (March 29, 1941) of the changes in allocation to be made pursuant to provisions of the North American Regional Broadcasting Agreement.

5. To determine whether the granting of the application would be consistent with the provisions of the North American Regional Broadcasting Agreement and the notices promulgated thereunder by the United States and Canada.

6. To determine the area and population served by Station WMAS as now operated, and to be served by it if operated as proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a

record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desires to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WMAS Incorporated, Radio Station WMAS, Hotel Charles, 1757 Main St., Springfield, Mass.

Dated at Washington, D. C., March 28, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-2342; Filed, March 31, 1941; 10:22 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. F.D.C.-21]

IN THE MATTER OF A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: (A) FLOUR, WHITE FLOUR, WHEAT FLOUR, PLAIN FLOUR; (B) ENRICHED FLOUR; (C) BROMATED FLOUR; (D) ENRICHED BROMATED FLOUR; (E) DURUM FLOUR; (F) SELF-RISING FLOUR, SELF-RISING WHITE FLOUR, SELF-RISING WHEAT FLOUR; (G) ENRICHED SELF-RISING FLOUR; (H) WHOLE WHEAT FLOUR, GRAHAM FLOUR, ENTIRE WHEAT FLOUR; (I) BROMATED WHOLE WHEAT FLOUR; (J) WHOLE DURUM WHEAT FLOUR; (K) CRUSHED WHEAT, COARSE GROUND WHEAT; (L) CRACKED WHEAT; (M) FARINA; (N) ENRICHED FARINA; (O) SEMOLINA

PROPOSED ORDER

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of section 401 of the Federal Food, Drug, and Cosmetic Act, 52 Stat. 1046, 21 U.S.C. sec. 341 (Supp. V, 1939); of the Reorganization Act of 1939, 53 Stat. 561, ff., 5 U.S.C. sec. 133-133r (Supp. V., 1939); and Reorganization Plans No. I (53 Stat. 1423, 4 F.R. 2727), and No. IV (54 Stat. —, 5 F.R. 2421), and upon the basis of the evidence received at the hearing in the above-entitled matter, duly held pursuant to notice thereof dated August 1, 1940, issued by the Acting Federal Security Administrator, the following facts be found and the promulgation of the regulations hereinafter set forth be ordered:

PROPOSED FINDINGS OF FACT

1. The food commonly and usually known as "flour", "white flour", "wheat flour", or "plain flour" is manufactured from wheat, both hard and soft, other than durum wheat and red durum wheat. (R. pp. 51, 54.)

2. Flour is used primarily for making white bread and biscuit, and consumers of flour normally expect that it will be suitable for these purposes. (R. pp. 60-61, 64, 119-120, 669-670, 690)

3. In making flour the wheat is first cleaned. It is usually tempered. It is then ground and bolted so as to separate the inner portion of the wheat berry, known as the endosperm, from the outer portions, known as the bran coat, or from both bran coat and germ. Flour consists essentially of finely ground endosperm. In the milling process the separation of bran coat and germ from endosperm is never complete, but a certain degree of separation is necessary to produce flour which will make acceptable white bread and biscuit. (R. pp. 54-56, 116, 119, 1532-1535)

4. Where all the flour milled from the wheat used is combined without separation into grades, the flour is called "straight flour." That portion which is most nearly free of bran coat and germ is frequently taken off and sold as "patent flour". The remaining portion, which contains more bran coat and germ than straight flour, is known as "clear flour". (R. pp. 55-56, 121)

5. "Straight flours" will make acceptable white bread and biscuit. As the degree of removal of bran coat and germ is lessened, flours become progressively less desirable for such purposes until so much bran coat and germ remain that acceptable white bread and biscuit cannot be made. However, such products are suitable for other food uses and are usually sold under such designations as "low-grade flour" and "second clear flour". Products containing even more bran coat and germ are sold usually as animal feed. (R. pp. 61, 65-73, 167-169, 215-220, 1542-1544)

6. A reasonably accurate criterion of the degree of separation of bran coat, or bran coat and germ, from endosperm is the ash content of the flour, since the ash content of the bran coat is some 20 to 25 times that of the endosperm and the ash content of the germ some 10 to 15 times that of the endosperm. (R. pp. 58, 61-62, 203)

7. In general, a limit on ash content can be used to distinguish between flours which will make acceptable white bread and biscuit and those which will not, but the limit is not the same for high protein flours (hard wheat flours) and low protein flours (soft wheat flours). In high protein flours, particularly those used for bread making, a somewhat lesser degree of separation is acceptable than in low protein flours. (R. pp. 62-63, 121-122)

8. In most straight flours the percent of ash is not more than one-twentieth of the percent of protein and is usually somewhat less. (R. pp. 65, 121, 134-135)

9. Increased amounts of bran coat and germ which increase the percent of ash to a point where it exceeds that of straight flour by more than 0.3 result in products which will not make acceptable white bread or biscuit. Products containing more ash than one-twentieth of the protein plus 0.3 percent are not generally sold in the household trade and are not generally used to make white bread or biscuit. (R. pp. 64-73, 121, 143, 170, 214-215, 721-735)

10. A maximum ash limit of one-twentieth of the protein plus 0.3 percent will distinguish reasonably effectively between flour suitable for making white bread and biscuits and products not suitable for those purposes. (R. pp. 64-73, 121, 170, 214-215, 721-735)

11. Variation in the moisture content of flour after manufacture causes variations in the percent of protein and ash. The effect of such variations can be eliminated by calculating the percent of protein and ash to a moisture free basis. When such calculation is made the figure 0.35 would be the approximate equivalent of, and should be substituted for, the figure 0.3 in findings 9 and 10. (R. pp. 174-184, 543, 607-608, 723-726; Exh. A)

12. All flour contains some moisture. Excessive moisture, however, impairs the keeping quality of flour and unnecessarily increases its weight. A reasonable limit for moisture, which is not exceeded in good milling practice, is 15 percent. (R. pp. 77-78)

13. Flour is a finely ground product and the degree of fineness is a distinguishing characteristic of flour. Such fineness is secured in good milling practice by bolting the flour through a cloth having openings not larger than those of woven wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. (R. pp. 55, 116-119, 130-131, 681)

14. Malted wheat is sometimes mixed with wheat used for making flour, or malted wheat flour or malted barley flour is sometimes added to flour, in small amounts so as to compensate for natural deficiencies of enzymes necessary for bread making. A reasonable maximum limit for material so added is 0.5 percent. (R. pp. 58, 60, 96-97, 140-141, 150-151, 193, 195-197, 200, 256-258)

15. A satisfactory and reliable method for the determination of ash content of flour is that prescribed in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 4th edition, 1935, page 207, under the caption "Method I—Official". This method has recently been republished in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 212, under the caption "Method I—Official". This method is well known and widely used when examining flour for its ash content. (R. pp. 74-75)

16. A satisfactory and reliable method for determination of moisture in flour is that prescribed in the book "Official and Tentative Methods of Analysis of the As-

sociation of Official Agricultural Chemists", 4th edition, 1935, page 206, under the caption "Vacuum Oven Method—Official". The same method has recently been republished in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 211, under the caption "Vacuum Oven Method—Official". This method is well known and widely used when examining flour for its moisture content. (R. p. 78)

17. The protein content of flour is ordinarily calculated from the nitrogen content of the flour by multiplying the nitrogen content by 5.7. A satisfactory and reliable chemical method for determination of nitrogen is that prescribed in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 4th edition, 1935, page 25, under the caption "Kjeldahl-Gunning-Arnold Method—Official". The same method has been recently republished in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 26, under the caption "Kjeldahl-Gunning-Arnold Method—Official". This method is well known and widely used for determining nitrogen in flour. (R. p. 76)

18. Flour as first prepared is slightly colored by the natural coloring in the wheat. It is a common practice in the milling industry to bleach the flour by treating it with one or more of the following bleaches or bleaching agents:

(1) Oxides of nitrogen.
(2) Chlorine,
(3) Nitrosyl chloride,
(4) Nitrogen trichloride,
(5) Benzoyl peroxide in a carrier consisting of either potassium alum and magnesium carbonate, or a mixture of calcium sulphate and magnesium carbonate; the weight of the carrier being in no case more than five times that of the benzoyl peroxide. (R. pp. 80–81, 122–123, 228–229, 237–238, 315–316)

19. Besides the bleaching effect, chlorine, nitrosyl chloride, and nitrogen trichloride have an artificial aging effect on the flour so treated. Only enough of the bleaching agent or agents to accomplish such desired effects is used. Excessive quantities impair the flour. (R. pp. 81, 122–124, 228–229)

20. Flour so bleached is whiter than freshly milled unbleached flour, but is similar in color to unbleached flour naturally aged. Since about 1920 it has been prevailing trade practice to label flours treated with bleaching agents as "bleached". Many consumers have come to distinguish between bleached and unbleached flour, and are familiar with and understand the word "bleached" as applied to flour. The word "bleached", as so applied, has become the common name of the ingredients added to the flour through the bleaching process. (R. pp. 81–84, 123–125, 230)

21. Some flour of high protein content, to which small amounts of potassium bromate have been added, can be made into dough which is easier to handle and which produces loaves of greater volume than dough made from the same flour to which no potassium bromate has been added. Addition of potassium bromate to flour has been practiced on a small scale, but the practice is increasing. Flour to which potassium bromate has been added is labeled "bromated" and sold exclusively to bakers. The name "bromated flour" is commonly and usually applied to differentiate this product from flour. (R. pp. 252–254, 261–266, 268–269, 288–290, 303, 624)

22. The amount of potassium bromate added depends on the properties of flour to which it is added, and varies in different crop years. The amount ordinarily used does not exceed 40 parts per million in domestic trade, or 75 parts per million in export trade. An excess of potassium bromate in dough has undesirable effects on bread. A reasonable minimum protein content of the flour used in making bromated flour is 13.5 percent. (R. pp. 267–268, 270–272, 281, 296, 302–304, 308–312, 619, 621, 626)

23. The food commonly and usually known as "self-rising flour", "self-rising white flour", or "self-rising wheat flour", is prepared by intimately mixing flour, a leavening agent, and salt for seasoning. (R. pp. 791–792, 828–829, 861–862)

24. The leavening agent usually consists of a mixture of sodium bicarbonate and monocalcium phosphate. Sodium acid pyrophosphate, an acid salt of somewhat less neutralizing value than monocalcium phosphate, is sometimes substituted for monocalcium phosphate. (R. pp. 792, 806, 894–895, 898–900, 1865–1867)

25. When self-rising flour is used in baking, carbon dioxide gas is evolved through the chemical reaction of the sodium bicarbonate and the acid leavening ingredient. The gas so evolved leavens or raises the dough giving the baked product one of its characteristic qualities. To accomplish this satisfactorily a certain minimum amount of carbon dioxide must be evolved. The amount of carbon dioxide gas which will be effective for the purpose of proper leavening is not less than 0.5 percent of the weight of the self-rising flour. (R. pp. 793, 795–796, 812–813, 826, 932; Exh. J)

26. To avoid discoloration and other undesired characteristics in the baked product, the amounts of sodium bicarbonate and acid leavening ingredient must be so proportioned that no sodium bicarbonate remains unacted upon in the baked product. Unnecessarily large amounts of the leavening substances leave objectionable quantities of residues in the baked product. A reasonable maximum limit for the leavening agents in self-rising flour is four and one-half parts to each hundred parts of flour. (R. pp. 362, 793, 796, 810, 814–816, 829, 862–864, 867)

27. A satisfactory and reasonably accurate method for determining the amount of carbon dioxide evolved from self-rising flour is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, beginning on page 186 under "Gasometric Method with Chittick's Apparatus—Official", except that the following procedure is substituted for the procedure specified therein under "6—Determination":

Weigh 17 grams of the official sample into flash A, add 15–20 glass beads (4–6 mm. diameter) and connect this flask with the apparatus (fig. 22). Open stopcock C and by means of the leveling bulb E bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition). Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flask from burette F 45 cc. of sulfuric acid (1+5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for ten minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 24—Chapter XLIII for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of flour, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official

sample to obtain percent carbon dioxide evolved from the official sample. (R. pp. 794–795, 811–812, 880)

28. There has recently been placed on the market a self-rising flour containing, in addition to the usual ingredients and in partial substitution for sodium bicarbonate, small amounts of calcium carbonate and light magnesium carbonate. Calcium carbonate and light magnesium carbonate react slowly with the acid ingredient when this self-rising flour is used in baking, but the reaction is incomplete and some calcium carbonate and light magnesium carbonate remain unchanged in the baked product. (R. pp. 839, 845, 869, 1312, 1325, 1328–1330, 1353)

29. The reason for adding the calcium carbonate is to enrich the diet in calcium and to increase the ratio of calcium to phosphorus. The reason alleged for adding the light magnesium carbonate is that it tends to preserve in the self-rising flour the fluffiness and free flowing qualities characteristic of freshly milled flour. (R. pp. 840–842, 845–846, 1275, 1278–1280, 1295, 1313–1315, 1326–1328, 1889–1890, 1902)

30. The probable effects of diversity of enrichment of self-rising flour, and of indiscriminate enrichment of foods, are set forth in findings 36 and 37. In the amount used in this self-rising flour, 0.176 percent, and in amounts up to 0.5 percent light magnesium carbonate causes no observable change in fluffiness, free flowing qualities, or other properties of the self-rising flour. (R. pp. 1903–1906, 1907–1909, 1913, 1915–1916)

31. The flour used in preparing self-rising flour is ordinarily bleached prior to mixing with leavening agents and salt. Sometimes the bleaching agent containing benzoyl peroxide, described in finding 18, is mixed with the flour along with the leavening agents and salt. Findings 18, 19, and 20 apply also to self-rising flour. (R. pp. 792–793, 797–799, 832)

32. Flour and self-rising flour are among the principal items of food of the people of the United States. The average consumption is about six and one-half ounces per person per day. This six and one-half ounces supplies about one-fourth of the normal energy requirements of the average person. (R. pp. 483, 755, 1515–1516, 1600, 1633)

33. Recent investigations of the diets of persons in various sections and in various income groups have shown that in many cases the food consumed does not furnish sufficient amounts of certain necessary nutritional elements to maintain health. The deficiencies are more prevalent in the case of persons with low incomes. Such persons usually supply a larger part of their energy requirements from flour and self-rising flour than the average person because of their cheapness as a source of energy. (R. pp. 329–331, 488–498, 754, 1433–1434, 1609–1613, 1632–1633, 1640–1642, 1659–1660, 1683)

34. Among the most serious and widespread deficiencies are those of vitamin B_1, riboflavin, nicotinic acid, and iron. Deficiencies of these vitamins tend to occur in the same individuals. (R. pp. 346–347, 492–497, 1421, 1429, 1454–1455, 1604–1638, 1642)

35. A deficiency of calcium exists in certain groups of the population. A deficiency of vitamin D exists in large numbers of infants and children. (R. pp. 402–407, 410–413, 557, 1315–1324, 1350–1352, 1424–1425, 1607, 1644, 1728–1732; exh. DD)

36. There have recently been placed on the market flours and self-rising flours enriched with one or more of the nutritional elements referred to above. These flours vary widely in composition. Unless a standard is promulgated which limits the kinds and amounts of enrichment, the manufacturers' selection of the various nutritive elements and combinations of elements on the basis of economic and merchandising considerations is likely to lead to a great increase in the diversity, both qualitative and quantitative, in enriched flours offered to the public. Such diversity would tend to confuse and mislead consumers as to the relative value of and need for the several nutritional elements, and would impede rather than promote honesty and fair dealing in the interest of consumers. (R. pp. 349, 481–482, 524, 630–631, 824–825, 1643, 1688–1689, 1954)

37. In general, indiscriminate enrichment of foods (including flour and self-rising flour) with vitamins and minerals would tend to confuse and mislead consumers by giving rise to conflicting claims regarding the beneficial effects of such substances, and would be likely to lead to the impression on the part of consumers that a single article of food so enriched would meet all nutritional needs. (R. pp. 332, 445–446, 452, 469–470, 708–711, 1929, 1955)

38. Limited enrichment of selected staple foods, on the other hand, is readily adapted to the promotion of consumer understanding of the relative value of enriched and natural foods, utilizing such education as consumers have received regarding the nutritive value of natural foods. (R. pp. 331–333, 446–448, 451–453, 524, 709–711, 1633, 1679–1682, 1929–1930, 1958–1959)

39. Essential food elements, now present only in insufficient quantities in many diets, which are present in wheat in considerable quantity, are vitamins of the B complex and compounds of iron. At the present time the following vitamins of the B complex are available for the enrichment of flour and self-rising flour, either in the form of synthetic products or secured from wheat by slight changes in the process of milling flour,—vitamin B_1, riboflavin, nicotinic acid or nicotinic acid amide. (R. pp. 346, 455–458, 484–487, 498–499, 511, 592–594, 760–763, 1530, 1604, 1822–1823, 1930)

40. Vitamin D and calcium are now used singly to a limited extent in the enrichment of flour and self-rising flour. Consumer education has generally recommended dairy products as the most desirable source of calcium, and milk as the product most suitable for enrichment with vitamin D in the light of known deficiencies of this element. The addition, however, of vitamin D and calcium as optional ingredients to an enriched flour or enriched self-rising flour will serve a useful purpose for the benefit of persons who do not consume sufficient dairy products. (R. pp. 347, 396–398, 403, 1275, 1504–1505, 1592, 1605–1606, 1609, 1645–1646, 1708, 1714–1716, 1724, 1741; Exh. X, Exh. Y, Exh. Z, Exh. CC)

41. Enrichment of flour or self-rising flour with vitamin A or vitamin C would be unsatisfactory for the reason, among others, that these vitamins are likely to decompose in flour. (R. pp. 433, 447–448, 461–462, 759–760, 1594, 1635, 1661, 1687)

42. Stabilized wheat germ oil has been proposed as an optional ingredient of flour for the purpose of increasing the vitamin E content of the flour and for its flavor. The need for the enrichment of foods with vitamin E has not been established. The evidence does not establish that wheat germ oil or stabilized wheat germ oil, in the quantity proposed, has an appreciable effect on the flavor. (R. pp. 386–387, 392, 462, 485, 601–603, 758–759, 1457)

43. Pending experience with the use of enriched flour and enriched self-rising flour, consumer education and understanding will be facilitated by restricting the enrichment, not only with respect to the ingredients to be added, but also by the fixing of minimum and maximum amounts of such ingredients. Reasonable limits for this purpose are, for each pound of flour or self-rising flour: not less than 1.66 milligrams nor more than 2.5 milligrams of vitamin B_1, not less than 1.2 milligrams nor more than 1.8 milligrams of riboflavin, not less than 6 milligrams nor more than 9 milligrams of nicotinic acid or nicotinic acid amide, not less than 6 milligrams nor more than 24 milligrams of iron (Fe), not less than 250 U. S. P. units nor more than 1000 U. S. P. units of vitamin D, and not less than 500 milligrams nor more than 2000 milligrams of calcium (Ca.) (R. pp. 333–334, 453, 524, 711–713, 752–757, 1380, 1591–1597, 1600–1601, 1613–1615, 1624–1625, 1633–1640, 1660–1665, 1683–1684, 1799, 1801–1802, 1940–1941, 1954)

44. Wheat germ, in its natural form or processed to remove part of its oil, is a suitable ingredient for furnishing a part of the requirements for vitamin B_1, riboflavin, nicotinic acid, and iron, but amounts greater than 5 percent in flour or self-rising flour impair the color of the baked product and make it difficult to produce acceptable bread. (R. pp. 347–348, 355–356, 758, 776–777, 1435, 1529, 1556–1559, 1581, 1621)

45. Iron has been added to flour in the form of harmless and assimilable salts (other harmless and assimilable forms of iron would serve as well). Various harmless and assimilable salts of calcium, such as the phosphates, have been used. The use of any of the calcium phosphates results in the introduction of phosphorus in addition to that naturally present in

flour, but such introduction is harmless and is thought by some persons to be desirable. Vitamin D has been added to flour as a concentrate of vitamin D in a food oil. When vitamins and iron are added to flour or self-rising flour, their bulk is so small that the use of a carrier facilitates their intimate and uniform admixture with the flour. (R. pp. 363–364, 367, 416–421, 594–598, 763, 766, 1625–1626)

46. Vitamin B_1 in flour and self-rising flour is subject to some loss during baking; the degree of loss increases as the dough decreases in acidity or becomes alkaline. The danger of loss is great when consumers use soda in baking. The addition of monocalcium phosphate safeguards against such losses. (R. pp. 341–344, 365, 580, 1700)

47. Flour and self-rising flour enriched with vitamins and minerals have not acquired common or usual names; accurate designations for these products are "enriched flour" and "enriched self-rising flour". (R. pp. 465, 756, 1942)

48. The reasons for enriching flour with vitamins and minerals are equally applicable to bromated flour. Bromated flour so enriched has not acquired a common or usual name; an accurate designation for this product is "enriched bromated flour". (R. pp. 1406, 1408, 1582–1584, 1769)

49. The food commonly and usually known as "durum flour" is manufactured from durum wheat. Durum flour is not ordinarily used for making bread or biscuit but is used for making macaroni and noodles. The purchaser of durum flour expects that it will be suitable for these purposes. (R. pp. 1197–1199)

50. Except as above stated the method of preparation of durum flour is the same as that described in finding 3 with respect to flour. Finding 6 is applicable to durum flour. (R. pp. 1197, 1202–1203)

51. The characteristics of durum wheat do not vary to an extent comparable to the variation between hard and soft wheats used for making flour, and a fixed ash limit is satisfactory for distinguishing between durum flours which will make acceptable macaroni and noodles and those which will not. A reasonable ash limit is 1.3 percent, or 1.5 percent when calculated to a moisture free basis. (R. pp. 1200–1202, 1213, 1218, 1221)

52. Findings 12, 13, 15, and 16 are applicable to durum flour. (R. pp. 1198, 1203–1204)

53. A food is prepared and widely sold in certain parts of the United States consisting of a mixture of flour and monocalcium phosphate, sometimes with the addition of dicalcium phosphate. (R. pp. 960–961, 982–984)

54. The primary reason for adding the monocalcium phosphate is to have an excess of acid reacting material in the dough when such flour is used with soda and sour milk for making biscuit. Dicalcium phosphate also increases the acid reacting material, but it is far less effective for this purpose than monocalcium phosphate, and the primary reason for adding it is to enrich the diet in calcium. The probable effects of diversity of enrichment of flour, and of indiscriminate enrichment of foods, are set forth in findings 36 and 37. (R. pp. 976–977, 981–983)

55. Small amounts of monocalcium phosphate will not accomplish the purpose of such addition; too much is likely to impart an undesirable acid taste to products made from such flour. Reasonable limits for monocalcium phosphate are a minimum of 0.25 percent and a maximum of 0.75 percent of the phosphated flour. (R. pp. 964, 969, 983–984)

56. Flour to which monocalcium phosphate has been added is commonly labeled "flour—Calcium Phosphate Added". The names "Phosphated flour", "phosphated white flour", and "phosphated wheat flour" are commonly and usually applied to differentiate this product from flour. (R. pp. 961, 968, 975)

57. The flour used in preparing phosphated flour is ordinarily bleached prior to mixing with the monocalcium phosphate. Sometimes the bleaching agent containing benzoyl peroxide, described in finding 18, is mixed with the flour along with the monocalcium phosphate. Findings 18, 19, and 20 apply also to phosphated flour. (R. pp. 963–965)

58. The three foods commonly and usually known as (1) "whole wheat flour", "graham flour", or "entire wheat flour"; (2) "cracked wheat"; (3) "crushed wheat" or "coarse ground wheat", are all made by grinding, cracking or crushing wheat other than durum wheat or red durum wheat. Consumers generally expect these foods to contain the constituents of the whole wheat berry, other than moisture, in their natural proportions, although in some cases some of the finer material (largely endosperm and germ) or the coarser material (largely bran) is removed, the product often being labeled to show such removal. (R. pp. 1045–1046, 1052, 1061, 1062, 1064, 1067, 1097, 1127, 1132–1133, 1164–1166, 1172, 1976, 1968–1969, 1984, 1987)

59. In the manufacture of these foods the wheat is first cleaned, and is sometimes tempered. Each of these foods contains some moisture. Excessive moisture, however, impairs the keeping qualities and unreasonably increases the weight of these foods. A reasonable limit for moisture, which is not exceeded in good manufacturing practice, is 15 percent. (R. pp. 1048, 1050–1051, 1053, 1131, 1171)

60. Food products made from the entire wheat berry vary widely in the size of particles. They also vary in the character and shape of the particles, depending on whether the products are made by a grinding or crushing process or by a cracking or cutting process. A ground or crushed product, even though coarsely ground, contains a substantial amount of fine particles. A cracked or cut product, although it may contain some fine particles, consists chiefly of angular fragments of substantially uniform size. (R. pp. 1048–1049, 1102–1104, 1110, 1128, 1147)

61. The most finely ground of these products is commonly and usually known as "whole wheat flour", "graham flour", or "entire wheat flour". This product is commonly used for making whole wheat bread, and the purchaser expects it to be suitable for that purpose. (R. pp. 1045, 1052, 1053, 1055, 1061, 1097–1099)

62. In order to make whole wheat bread, whole wheat flour must be of a certain degree of fineness. A reasonable limit to the degree of fineness for this purpose is that at least 90 percent of the whole wheat flour pass through a No. 8 sieve and at least 50 percent of it pass through a No. 20 sieve. Most, though not all, products now sold under the name "whole wheat flour" comply with such a limitation. (R. pp. 1049, 1054–1055, 1058, 1060, 1066, 1113–1115, 1985)

63. Malted wheat is sometimes mixed with wheat used for making whole wheat flour, or malted wheat flour or malted barley flour is sometimes added to the whole wheat flour, in small amounts so as to compensate for natural deficiencies of enzymes necessary for bread making. A reasonable maximum limit is 0.5 percent. (R. pp. 1069, 1073–1075; Exh. L)

64. In the process of milling of whole wheat flour, the particles of endosperm sometimes are separated from the ground particles of bran coat and germ of the wheat, and subsequently recombined. In such cases the particles of endosperm are sometimes treated with nitrogen trichloride, chlorine, or a mixture of nitrosyl chloride and chlorine to obtain bleaching and artificial aging effects. Only enough of these agents is used to bring about these effects. Whole wheat flour so treated is labeled "bleached". (R. pp. 1045, 1068, 1076–1079, 1081)

65. Products coarser than whole wheat flour, while not suitable for use as the primary ingredient in making bread, are used with flour or whole wheat flour to make special kinds of bread, often designated "cracked wheat bread" and "crushed wheat bread". They are also used to some extent as breakfast foods or an ingredient of certain breakfast foods. In order to be suitable for these purposes the products must be of a certain degree of fineness. (R. pp. 1047, 1055, 1071–1073, 1087, 1164–1166)

66. Products made by the cracking or cutting process have a different appearance and different texture from those made by the grinding or crushing process. But considerable confusion now exists in regard to nomenclature of these products, with the result that purchasers of them or of bread containing them are likely to have difficulty in knowing what they are purchasing. Thus, the name "cracked wheat", while it is generally applied to products made by the cracking or cutting process, is also applied occasionally to coarsely ground food products of wheat. The name "cracked wheat" is also applied to animal feed

which differs in several respects from products sold for human food, being made up mostly of broken or cracked wheat berries. The fineness of these food products is important in determining their suitability for the purposes stated in finding 65, and the degree of fineness and of uniformity in the size of particles affords a reasonable method (in addition to the difference in method of manufacture and in shape and character of particles) of differentiating between them. (R. pp. 1105–1106, 1127–1130, 1144–1148, 1969)

67. The coarse product made by the grinding process or crushing process is usually sold under the name "crushed wheat", and sometimes as "rolled wheat", or "curled wheat", and occasionally as "cracked wheat". The term "coarse ground wheat" has also been proposed. A reasonable limit on the sizes of the particles of this product, which is suitable for the purposes stated in finding 65, is that at least 40 percent will pass through a No. 8 sieve, but less than 50 percent will pass through a No. 20 sieve. (R. pp. 1164–1165, 1974, 1986)

68. The coarse product made by the cracking or cutting process is commonly known as "cracked wheat". A reasonable limit on the size of the particles of this product, which is suitable for the purposes stated in finding 65, is that at least 90 percent will pass through a No. 8 sieve and not more than 20 percent will pass through a No. 20 sieve. (R. pp. 1126, 1138, 1047–1048, 1142, 1973, 1983–1984)

69. A suitable procedure for determining the percentage of these foods which will be retained on or pass through No. 8 and No. 20 sieves is as follows:

Use No. 8 and No. 20 sieves, having standard 8 inch full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves" published March 1, 1940, in L. C. 384 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 8 sieve into a No. 20 sieve. Attach bottom pan to the No. 20 sieve. Pour 100 grams of the sample into the No. 8 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Weigh the material which fails to pass through the No. 8 sieve and the material which passes through the No. 20 sieve. (R. pp. 1049, 1130, 1168–1169)

70. A satisfactory and reliable method for the determination of moisture in whole wheat flour is that referred to in finding 16. This method is well known and widely used in examining whole wheat flour for its moisture content. (R. p. 1051)

71. A satisfactory and reliable method for the determination of moisture in cracked wheat and crushed wheat is that prescribed in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 4th edition, 1935, page 335, under the caption "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official". The same method has recently been republished in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 353, under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official". This method is well known and widely used in examining crushed wheat and cracked wheat for their moisture content. (R. p. 1132)

72. The reasons for adding potassium bromate to flour, and the amounts in which it is added, stated in findings 21 and 22, are equally applicable to whole wheat flour. Whole wheat flour to which potassium bromate is added is labeled "bromated"; an accurate designation for the product is "bromated whole wheat flour". R. pp. 1069, 1090–1094; Exh. M)

73. The food known as "whole durum wheat flour" is prepared from durum wheat by the same process employed in making whole wheat flour (findings 59, 62, 63, 64, and 65), and is used in making certain kinds of bread. Consumers generally expect whole durum wheat flour to contain the constituents of the whole durum wheat berry, other than moisture, in their natural proportions. A reasonable moisture limit and reasonable granulation limits for whole durum wheat flour are the same as for whole wheat flour. (R. pp. 1224–1226, 1229)

74. The food commonly and usually known as "farina" is manufactured from wheat, either hard or soft, other than durum wheat and red durum wheat. (R. pp. 1001–1003)

75. In making farina the wheat is first cleaned. It is usually tempered. It is then ground, bran coat and germ are separated from the endosperm, and the flour is removed by bolting. Farina consists essentially of endosperm, but the particles of farina are larger than those of flour. The size of the particles of farina has become well established through usage, and is a distinguishing characteristic of the product. The size is such that farina will pass through a No. 20 sieve but that only a small amount will pass through a No. 100 sieve. The material passing through the No. 100 sieve comes mostly from abrasion of particles of farina during handling after it is manufactured. A reasonable limit for this fine material is 3.0 percent. (R. pp. 1002, 1004–1005, 1015, 1038–1039)

76. A satisfactory method for testing farina for size of particles is as follows:

Use No. 20 and No. 100 sieves, having standard 8 inch full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 20 sieve into a No. 100 sieve. Attach bottom pan to the No. 100 sieve. Pour 100 grams of the sample into the No. 20 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Weigh the material which fails to pass through the No. 20 sieve and the material which passes through the No. 100 sieve. (R. pp. 1004–1005)

77. Consumers generally expect farina to be almost entirely free from bran coat and germ. In this respect it corresponds substantially to "patent flour". The extent of removal can be measured by the percent of ash in the farina (see finding 6). A generally recognized and reasonable maximum limit for ash is about 0.5 percent, or not more than 0.6 percent on a moisture-free basis. (R. pp. 1006–1007, 1034, 1037)

78. All farina contains some moisture. Excessive moisture impairs the keeping qualities of farina and unnecessarily increases its weight. A reasonable limit for moisture, which is not exceeded in good milling practice, is 15 percent. (R. pp. 1008–1009)

79. A satisfactory and reliable method for the determination of the ash content of farina is that referred to in finding 15. A satisfactory and reliable method for the determination of the moisture content of farina is that referred to in finding 16. These methods are well known and widely used. (R. pp. 1007–1008)

80. The removal of bran coat and germ from endosperm in the manufacture of farina removes those parts of the wheat which are richest in vitamins and minerals. (R. pp. 1421, 1424, 1428, 1433–1434, 1441)

81. Farina is used as a breakfast food and as an ingredient of macaroni products. It is not as widely consumed as flour, but it is extensively used as a cereal food for children and in many cases is the only cereal food used during a period of their growth. (R. pp. 1003, 1014, 1022–1023, 1441–1442, 1474–1475)

82. Certain manufacturers are now selling farina to which have been added vitamins and minerals. Ingredients and being added for this purpose are vitamin D in the form of irradiated yeast (other sources of vitamin D would serve equally well), and portions of the vitamin B complex and minerals in the form of freshly milled wheat germ or wheat germ from which part of the oil has been removed. Iron and calcium have also been added in the form of assimilable salts. In addition to wheat germ other sources of members of the vitamin B complex are available. (R. pp. 1023–1024, 1421–1422, 1425, 1429–1432)

83. In general, the interest of consumers is affected by the enrichment of farina with vitamins and minerals in the same way as has been outlined in con-

nection with the enrichment of flour in findings 34 to 43, inclusive. (R. pp. 1021–1022, 1029, 1426–1427, 1704)

84. Because of the small quantities in which farina is ordinarily consumed and because of its special use in diets of some children there is occasion for the enrichment of farina with quantities of vitamins and minerals substantially in excess of the reasonable maxima for flour. Findings 44 and 45 are applicable to farina, except that farina is not used for making bread and a reasonable limit for the wheat germ is 8 percent. (R. pp. 1032, 1435–1437, 1443–1444, 1502)

85. The time necessary for cooking enriched farina can be shortened by the addition of from one-half to one percent of disodium phosphate. (R. pp. 1422–1423, 1463–1465, 1493–1494)

86. Farina enriched with vitamins and minerals has not acquired a common or usual name; an accurate designation for the product is "enriched farina". R. pp. 465, 756, 1023, 1942)

87. The food commonly and usually known as semolina is manufactured from durum wheat. (R. pp. 1231–1232, 1248)

88. In making semolina the wheat is first cleaned. It is usually tempered. It is then ground, the brand coat and germ are separated from the endosperm, and durum flour is removed by bolting. Semolina consists essentially of the endosperm, but the particles of semolina are larger than those of durum flour. The size of the particles of semolina has become well established through usage, and is a distinguishing charactertistic of the product. The size is such that semolina will pass through a No. 20 sieve but that only a small amount will pass through a No. 100 sieve. The material passing through the No. 100 sieve comes mostly from abrasion of particles of semolina during handling after it is manufactured. A reasonable limit for this fine material is 3.0 percent. (R. pp. 1232, 1234, 1247)

89. A satisfactory method for testing semolina for size of particles is the method described in finding 76. (R. pp. 1233, 1242)

90. Semolina is used in the manufacture of macaroni and noodles, and sometimes as a breakfast food. Consumers generally expect semolina to be almost entirely free from bran coat and germ. The extent of the removal can be measured by the percent of ash in the semolina (see finding 6). A generally recognized and reasonable limit for ash is about 0.8 percent or not more than 0.9 percent on a moisture-free basis. (R. pp. 1233–1235, 1242, 1254)

91. All semolina contains some moisture. Excessive moisture impairs the keeping qualities of semolina and unnecessarily increases its weight. A reasonable limit for moisture, which is not exceeded in good manufacturing practice, is 15 percent. (R. pp. 1235–1236)

92. A satisfactory and reliable method for the determination of the ash content of semolina is that referred to in finding 15. A satisfactory and reliable method for determination of the moisture content of semolina is that referred to in finding 16. These methods are well known and widely used. (R. pp. 1235–1236)

On the basis of the foregoing proposed findings of fact it is concluded that the promulgation of regulations fixing and establishing each of the following definitions and standards of identity for the several food products will promote honesty and fair dealing in the interest of consumers:

PROPOSED REGULATIONS

§ 15.000 *Flour, white flour, wheat flour, plain flour—identity: Label statement of optional ingredients.* (a) Flour, white flour, wheat flour, plain flour, is the food prepared by grinding and bolting cleaned wheat other than durum wheat and red durum wheat; to compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used in a quantity not more than 0.5 percent. One of the cloths through which the flour is bolted has openings not larger than those of woven wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. The flour is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than the sum of one-twentieth of the percent of protein therein, calculated to a moisture-free basis, and 0.35. Its moisture content is not more than 15 percent. Unless such addition conceals damage or inferiority of the flour or makes it appear better or of greater value than it is, one or any combination of two or more of the following optional bleaching ingredients may be added in a quantity not more than sufficient for bleaching, or in case such ingredient has an artificial aging effect, in a quantity not more than sufficient for bleaching and such artificial aging effect:

(1) oxides of nitrogen,
(2) chlorine,
(3) nitrosyl chloride,
(4) nitrogen trichloride,
(5) one part by weight of benzoyl peroxide mixed with not more than five parts by weight of a mixture of either potassium alum or calcium sulphate and magnesium carbonate.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached". Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purposes of this section—

(1) Ash is determined by the method prescribed in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 212, under "Method I—Official". Ash is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of ash, and multiplying the quotient by 100.

(2) Protein is 5.7 times the nitrogen as determined by method prescribed in such book on page 26, under "Kjeldahl-Gunning-Arnold Method—Official". Protein is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent or protein, and multiplying the quotient by 100.

(3) Moisture is determined by the method prescribed in such book on page 211, under "Vacuum Oven Method—Official".

§ 15.010 *Enriched flour—identity; Label statement of optional ingredients.* Enriched flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.000, except that—

(1) it contains in each pound not less than 1.66 milligrams and not more than 2.5 milligrams of vitamin B_1, not less than 1.2 milligrams and not more than 1.8 milligrams of riboflavin, not less than 6 milligrams and not more than 9 milligrams of nicotinic acid or nicotinic acid amide, not less than 6 milligrams and not more than 24 milligrams of iron (Fe);

(2) vitamin D may be added in such quantity that each pound of the finished enriched flour contains not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D;

(3) calcium may be added in such quantity that each pound of the finished enriched flour contains not less than 500 milligrams and not more than 2,000 milligrams of calcium (Ca), except that it may be acidified with monocalcium phosphate irrespective of the minimum limit for calcium (Ca) herein prescribed;

(4) it may contain not more than 5 percent by weight of wheat germ or partly defatted wheat germ; and

(5) in determining whether the ash content complies with the requirements of this regulation allowance is made for any added minerals.

Iron may be added only in a form which is harmless and assimilable; calcium only in the form of monocalcium phosphate, dicalcium phosphate, or tricalcium phosphate, or any mixture of two or all of

these. The substances referred to in clauses (1) and (2) may be added in a harmless carrier which does not impair the enriched flour; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

§ 15.020 *Bromated flour—Identity: Label statement of optional ingredients.* Bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.000, except that—

(1) potassium bromate is added in a quantity not exceeding 75 parts to each million parts of the finished bromated flour; and

(2) its protein content is not less than 13.5 percent.

§ 15.030 *Enriched bromated flour—Identity: Label statement of optional ingredients.* Enriched bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for enriched flour by § 15.010, except that—

(1) potassium bromate is added in a quantity not exceeding 75 parts to each million parts of the finished enriched bromated flour; and

(2) its protein content is not less than 13.5 percent.

§ 15.040 *Durum flour—Identity.* (a) Durum flour is the food prepared by grinding and bolting cleaned durum wheat. One of the cloths through which such flour is bolted has openings not larger than those of woven wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 1.5 percent. Its moisture content is not more than 15 percent.

(b) For the purposes of this section, ash and moisture are determined by the methods therefor referred to in § 15.000 (c).

§ 15.050 *Self-rising flour, self-rising white flour, self-rising wheat flour—Identity: Label statement of optional ingredients.* (a) Self-rising flour, self-rising white flour, self-rising wheat flour, is an intimate mixture of flour, sodium bicarbonate, and the acid reacting substance monocalcium phosphate or sodium acid pyrophosphate or both. It is seasoned with salt. When it is tested by the method prescribed in subsection (c) not less than 0.5 percent of carbon dioxide is evolved. The acid reacting substance is added in sufficient quantity to neutralize the sodium bicarbonate. The combined weight of such acid reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of flour used. Subject to the conditions and restrictions prescribed by § 15.000 (a), the bleaching ingredients specified in such section may be added as optional ingredients. If the flour used in making the self-rising flour is bleached, the optional bleaching ingredient used therein (see § 15.000 (a)) is also an optional ingredient of the self-rising flour.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached". Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) The method referred to in subsection (a) is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th edition, 1940, beginning on page 186 under "Gasometric Method with Chittick's Apparatus—Official," except that the following procedure is substituted for the procedure specified therein under "6—Determination":

Weigh 17 grams of the official sample into flask A, add 15–20 glass beads (4–6 mm. diameter) and connect this flask with the apparatus (fig. 22). Open stopcock C and by means of the leveling bulb E bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition). Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flask from burette F 45 cc. of sulphuric acid (1+5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for ten minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in table 24—Chapter XLIII for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of flour, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulphuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official sample to obtain percent carbon dioxide evolved from the official sample.

§ 15.060 *Enriched self-rising flour—Identity; Label statement of optional ingredients.* Enriched self-rising flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for self-rising flour by § 15.050, except that—

(1) it contains in each pound not less than 1.66 milligrams and not more than 2.5 milligrams of vitamin B_1, not less than 1.2 milligrams and not more than 1.8 milligrams of riboflavin, not less than 6 milligrams and not more than 9 milligrams of nicotinic acid or nicotinic acid amide, not less than 6 milligrams and not more than 24 milligrams of iron (Fe);

(2) vitamin D may be added in such quantity that each pound of the finished enriched self-rising flour contains not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D;

(3) calcium may be added in such quantity that each pound of the finished enriched self-rising flour contains not less than 500 milligrams and not more than 2,000 milligrams of calcium (Ca);

(4) it may contain not more than 5 percent by weight of wheat germ or partly defatted wheat germ; and

(5) when calcium is added as dicalcium phosphate, such dicalcium phosphate is also considered to be an acid reacting substance.

Iron may be added only in a form which is harmless and assimilable; calcium only in the form of monocalcium phosphate, dicalcium phosphate, tricalcium phosphate, or any mixture of two or more of these. The substances referred to in clauses (1) and (2) may be added in a harmless carrier which does not impair the enriched self-rising flour; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

§ 15.070 *Phosphated flour, phosphated white flour, phosphated wheat flour—Identity; Label statement of optional ingredients.* Phosphated flour, phosphated white flour, phosphated wheat flour, conforms to the definition and standard of identity, and is subject to the requirements for label declaration of optional ingredients, prescribed for flour by § 15.000, except that—

(1) monocalcium phosphate is added in a quantity not less than 0.25 percent and not more than 0.75 percent of the finished phosphated flour; and

(2) in determining whether the ash content complies with the requirements of this regulation allowance is made for the added monocalcium phosphate.

§ 15.080 *Whole wheat flour, graham flour, entire wheat flour—Identity: Label statement of optional ingredients.* (a) Whole wheat flour, graham flour, entire wheat flour, is the food prepared by so grinding cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in subsection (c) (2), not less than 90 percent passes through a No. 8 seive and not less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used in a quantity not more than 0.5 percent. The moisture content of whole wheat flour is not more than 15 percent. Unless such addition conceals damage or inferiority of the whole wheat flour or makes it appear better or of greater value than it is, the optional bleaching ingredient nitrogen trichloride, chlorine, or a mixture of nitrosyl chloride and chlorine may be added in a quantity not more than sufficient for bleaching and artificial aging effects.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such word shall immediately and conspicuously precede or follow such name without intervening written, printed or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purpose of this section—

(1) Moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 211, under "Vacuum Oven Method—Official".

(2) The method referred to in subsection (a) is as follows: Use No. 8 and No. 20 sieves, having standard 8 inch full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves" published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 8 sieve into a No. 20 sieve. Attach bottom pan to the No. 20 sieve. Pour 100 grams of the sample into the No. 8 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Weigh the material which fails to pass through the No. 8 sieve and the material which passes through the No. 20 sieve.

§ 15.090 *Bromated whole wheat flour, bromated graham flour, bromated entire wheat flour—Identity: Label statement of optional ingredients.* Bromated whole wheat flour, bromated graham flour, bromated entire wheat flour, conforms to the definition and standard of identity, and is subject to the requirements for label statement for optional ingredients, prescribed for whole wheat flour by § 15.080, except that potassium bromate is added in a quantity not exceeding 75 parts to each million parts of finished bromated whole wheat flour.

§ 15.100 *Whole durum wheat flour—Identity: Label statement of optional ingredients.* Whole durum wheat flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for whole wheat flour by § 15.080, except that cleaned durum wheat, instead of cleaned wheat other than durum wheat and red durum wheat, is used in its preparation.

§ 15.110 *Crushed wheat, coarse ground wheat—Identity.* Crushed wheat, coarse ground wheat, is the food prepared by so crushing cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in § 15.080 (c) (2), 40 percent or more passes through a No. 8 sieve and less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. Crushed wheat contains not more than 15 percent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 353, under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official".

§ 15.120 *Cracked wheat—Identity.* Cracked wheat is the food prepared by so cracking or cutting into angular fragments cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in § 15.080 (c) (2), not less than 90 percent passes through a No. 8 sieve and not more than 20 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. Cracked wheat contains not more than 15 percent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 353, under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official".

§ 15.130 *Farina—Identity.* (a) Farina is the food prepared by grinding and bolting cleaned wheat, other than durum wheat and red durum wheat, to such fineness that, when tested by the method prescribed in subsection (b) (2), it passes through a No. 20 sieve, but not more than 3 percent passes through a No. 100 sieve. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 0.6 percent. Its moisture content is not more than 15 percent.

(b) For the purposes of this section—

(1) Ash and moisture are determined by the methods therefor referred to in § 15.000 (c).

(2) The method referred to in subsection (a) is as follows: Use No. 20 and No. 100 sieves, having standard 8 inch full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 20 sieve into a No. 100 sieve. Attach bottom pan to the No. 100 sieve. Pour 100 grams of the sample into the No. 20 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Weigh the material which fails to pass through the No. 20 sieve and the material which passes through the No. 100 sieve.

§ 15.140 *Enriched farina—Identity; Label statement of optional ingredients.* (a) Enriched farina conforms to the definition and standard of identity prescribed for farina by § 15.130, except that—

(1) it contains in each pound not less than 1.66 milligrams of vitamin B_1, not less than 1.2 milligrams of riboflavin, not less than 6 milligrams of nicotinic acid or nicotinic acid amide, and not less than 6 milligrams of iron (Fe);

(2) vitamin D may be added in such quantity that each pound of the finished enriched farina contains not less than 250 U. S. P. units of the optional ingredient vitamin D;

(3) calcium may be added in such quantity that each pound of the finished enriched farina contains not less than 300 milligrams of the optional ingredient calcium (Ca);

(4) it may contain not more than 6 percent by weight of the optional ingredient wheat germ or partly defatted wheat germ;

(5) it may contain not less than 0.5 percent and not more than 1 percent by weight of the optional ingredient disodium phosphate; and

(6) in determining whether the ash content complies with the requirements of this regulation allowance is made for any added minerals.

Iron may be added only in a form which is harmless and assimilable; calcium only in the form of monocalcium phosphate, dicalcium phosphate, tricalcium phosphate, or any mixture of two or more of these; vitamin D only as irradiated yeast or as a concentrate of vitamin D in a food oil. The substances referred to in clauses (1) and (2) may be added in a harmless carrier which does not impair the enriched farina; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the farina.

(b) When the optional ingredient disodium phosphate is used, the label shall bear the statement "Disodium Phosphate Added for Quick-cooking". Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene, if such statement is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

§ 15.150 *Semolina — Identity.* (a) Semolina is the food prepared by grinding and bolting cleaned durum wheat to such fineness that, when tested by the method prescribed in § 15.130 (b) (2), it passes through a No. 20 sieve, but not more than 3 percent passes through a No. 100 sieve. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to the moisture-free basis, is not more than 0.9 percent. Its moisture content is not more than 15 percent.

(b) For the purposes of this section—

Ash and moisture are determined by the methods therefor referred to in § 15.000 (c).

Any interested person may, within 20 days from the date of the publication of this proposed order in the FEDERAL REGISTER, file exceptions thereto with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2240, South Building, 14th Street and Independence Avenue, Washington, D. C. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied by a memorandum brief in support thereof.

March 28, 1941.

[SEAL] WAYNE COY,
Acting Federal Security Administrator.

[F. R. Doc. 41-2329; Filed, March 29, 1941; 11:27 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4466]

IN THE MATTER OF ARTHUR JACOBSON, AN INDIVIDUAL

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of March, A. D., 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, May 7, 1941, at ten o'clock in the forenoon of that day (central standard time) in Court Room of the County Court House, Little Falls, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-2327; Filed, March 29, 1941; 11:05 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-271]

IN THE MATTER OF THE OHIO POWER COMPANY AND AMERICAN GAS AND ELECTRIC COMPANY.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of March, A. D. 1941.

The Ohio Power Company and American Gas and Electric Company having filed joint applications and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7 and 10 and Rules U-12B-1, U-12C-1, U-12D-1, and U-12F-1 relating to the following transactions:

(1) The issue and sale to underwriters of $15,000,000 principal amount of The Ohio Power Company's First Mortgage Bonds, 3% Series due 1971, and 202,403 shares of its 4½% Cumulative Preferred Stock, par value $100, subject, however, in the case of 169,403 shares to an exchange offer to be made to the present holders, other than American Gas and Electric Company, of the presently outstanding 6% Preferred Stock;

(2) The issue and sale to American Gas and Electric Company by The Ohio Power Company of not more than 1,236,549 shares of its Common Stock, no par value;

(3) The acquisition by The Ohio Power Company of 28,662 shares of its presently outstanding 6% Preferred Stock from American Gas and Electric Company and the sale thereof by American Gas and Electric Company;

(4) The making of a capital contribution of $1,456,936.08 by American Gas and Electric Company to The Ohio Power Company, being the amount of open account advances now owing to American Gas and Electric Company;

(5) The redemption of the presently outstanding publicly-held 6% Preferred Stock of The Ohio Power Company;

(6) The alteration of voting rights of securities of The Ohio Power Company, and other incidental transactions;

A public hearing having been held thereon after appropriate notice, and the Commission having considered the record in this matter and having filed its findings and opinion herein:

It is ordered, That said applications pursuant to sections 6 (b) and 10 be, and the same hereby are, granted forthwith and that said declarations pursuant to section 7 and Rules U-12B-1, U-12C-1, U-12D-1 and U-12F-1 be, and the same hereby are, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-9 and to the following terms and conditions:

(1) That not later than fifteen (15) days after the close of the exchange offer, The Ohio Power Company shall file a statement with this Commission setting forth such statistical information regarding quantities of preferred stock exchanged as the Commission may require.

(2) That when all expenses incurred in connection with these transactions shall be actually paid, the declarants shall file a detailed statement of such expenses showing the persons to whom payments were made, the amounts thereof, the accounts charged, and a detailed description of the services rendered for which such payments were made.

(3) So long as any of the First Mortgage Bonds, 3% Series due 1971 shall be outstanding, Ohio shall not declare or

pay any dividends (other than dividends payable in shares of its common stock) on any shares of its common stock, nor shall Ohio make any other distribution on its common stock or purchase or otherwise retire any shares of its common stock out of net income unless the earned surplus after making such declaration, payment, distribution, purchase, or retirement is equal to or greater than the sum of $6,700,000 plus an accumulative amount equal to $1,000,000 per calendar year beginning with the year 1941 and through the year 1948: *Provided, however,* That such earned surplus required to remain after declaration or payment of such dividends or after such distribution, purchase or retirement may be reduced for the purpose of this computation by the amount of (a) any surplus adjustments resulting from writing down or writing off the excess of carrying value of property now owned by Ohio over the original cost of such property when first devoted to public use, and (b) any other surplus adjustments otherwise properly applicable to earned surplus. The provisions contained in this paragraph shall be subject to modification or revocation in whole or in part by this Commission at any time by its own motion or upon application by Ohio.

(4) That an amount equal to the capital contribution by American Gas to Ohio ($1,456,936.08) shall be placed in an appropriate reserve account to be available for possible adjustments to fixed capital accounts.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-2362; Filed, March 31, 1941; 11:25 a. m.]

[File No. 70-258]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA AND DRESSER POWER CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of March, A. D. 1941.

The above named persons having filed a declaration and application pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 6 (b), 9, 10, 12 (b) and 12 (f) thereof, and Rules U-9C-1, U-12B-1 (a), U-12C-1 (a), U-12C-1 (b) and U-12F-1 thereunder regarding the sale by Dresser Power Corporation of all its assets (except $1,000 in cash) to Public Service Company of Indiana, the assumption by Public Service Company of Indiana of Dresser Power Corporation's outstanding $4,800,000 principal amount of First Mortgage Bonds 3%—4% due October 15, 1942–April 15, 1958, the redemption or purchase of such bonds by Dresser Power Corporation and Public Service Company of Indiana and the issuance and sale by Public Service Company of Indiana of $4,650,000 of its First Mortgage Bonds, Series B 3½% due March 1, 1971 to John Hancock Mutual Life Insurance Company at 104¾ to obtain funds for the proposed redemption or purchase of the said First Mortgage Bonds of Dresser Power Corporation; and

Said declaration and application having been filed on February 18, 1941 and certain amendments having been filed thereto, the last of said amendments having been filed on March 26, 1941 and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said declaration and application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named parties having requested that the Commission advance the effective date of said declaration, as filed or as amended and that the Commission grant the said application, as filed or as amended, before April 1, 1941; and the Commission finding that the requirements of sections 6 (b), 9, 10, 12 (b) and 12 (f) and Rules U-9C-1, U-12B-1 (a), U-12C-1 (a), U-12C-1 (b) and U-12F-1 are satisfied and that it is appropriate that the declaration, as amended, should be permitted to become effective and that the application, as amended, should be granted, and being satisfied that the effective date of such declaration should be advanced and such application should be granted before April 1, 1941;

It is ordered, Pursuant to Rule U-8 and the applicable provisions of said Act, and subject to the terms and conditions specified in Rule U-9 and to the further condition that there is imposed upon Public Service Company of Indiana the obligation to conform to the requirements with respect to retirement of debt and with respect to the limitation on the issuance of additional bonds specified in Exhibit H to the third amendment to such declaration and application, that the aforesaid declaration become effective forthwith and the aforesaid application be and the same hereby is granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-2354; Filed, March 31, 1941; 11:22 a. m.]

IN THE MATTER OF SMITH, FRIZELLE & CO., INC., 111 BROADWAY, NEW YORK, NEW YORK

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION AND SUSPENSION OF REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of March 1941,

I

The Commission's public official files disclose that Smith, Frizelle & Co., Inc., a corporation organized under the laws of the State of New York, is registered as an over-the-counter broker and dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II

Members of its staff have reported to the Commission information obtained as a result of an investigation of registrant which tends to show that said registrant is permanently enjoined by a decree of the Supreme Court of the State of New York, held in and for the County of New York, entered on or about October 22, 1940, from engaging in or continuing any conduct or practice in connection with the sale of any security.

III

The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true; and

(b) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke the registration of the registrant; and

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of the registrant.

It is hereby ordered, That a hearing for the purpose of taking evidence on the questions set forth in Paragraph III hereof be held at 10:00 A. M. on April 11, 1941 at the New York Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and thereafter at such times and places as the officer hereinafter designated to conduct said hearing may determine, and Adrian C. Humphreys is hereby designated as the officer of the Commission to conduct said hearing and, pursuant to section 21 (b) of the Securities Exchange Act of 1934, is hereby authorized to administer oaths and affirmations, supena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the matters in issue at said hearing and to perform all other duties in connection therewith as authorized by law.

It is further ordered, That this order and notice be served on said registrant personally or by registered mail not less than seven (7) days prior to the time of hearing.

Upon the completion of the taking of evidence in this matter, the officer conducting the hearing is directed to conclude said hearing, make his report to

the Commission and transmit same with a record of the hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-2361; Filed, March 31, 1941; 11:24 a. m.]

[File No. 70-247]

IN THE MATTER OF BUFFALO NIAGARA ELECTRIC CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of March, A. D. 1941.

Buffalo Niagara Electric Corporation, having filed an application pursuant to section 6 (b) for an exemption from the provisions of section 6 (a) of the Public Utility Holding Company Act of 1935, of the issue and private sale of $7,200,000 principal amount of its 2¼% Debentures due 1951;

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application for exemption, as amended, be, and the same hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-9 of the General Rules and Regulations under said Act and to the following further conditions:

(1) That the advance of $1,910,000 from Buffalo, Niagara and Eastern Power Corporation shall be subordinated, in the event of liquidation, to applicant's entire funded debt;

(2) That no further payments of either interest or principal shall be made on account of the advance of $1,910,000 from Buffalo, Niagara and Eastern Power Corporation without the approval of this Commission;

(3) The record in this case shall be left open and the hearing continued for our further consideration of the matter of the outstanding advances from other associate companies totaling $2,715,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-2358; Filed, March 31, 1941; 11:23 a. m.]

[File No. 70-274]

IN THE MATTER OF SOUTH CAROLINA ELECTRIC & GAS COMPANY AND SOUTHEASTERN ELECTRIC AND GAS COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of March, A. D. 1941.

The above-named parties having filed an application and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 12 (b), 12 (c) and Rules U-12B-1 and U-12C-1 thereunder, regarding the following:

South Carolina Electric & Gas Company, a direct subsidiary of Southeastern Electric and Gas Company, a registered holding company, pursuant to authorization by the Public Service Commission of the State of South Carolina, proposes to issue and sell to the President and Directors of The Manhattan Company, 40 Wall Street, New York, its promissory note in the amount of $600,000; said note to be dated on or before March 31, 1941, to mature on or before September 30, 1943, and to be payable in monthly installments of $25,000, the first installment being payable October 31, 1941, and to bear interest at the rate of 3¼% per annum, payable monthly beginning one month from the date of such note.

Southeastern Electric and Gas Company proposes to execute a collateral agreement whereby all indebtedness of South Carolina Electric & Gas Company to Southeastern Electric and Gas Company shall be subordinated to the prior payment in full of said note and interest thereon. The proceeds of said note will be used by South Carolina Electric & Gas Company (1) to pay the unpaid balance of $350,000 on its promissory note (originally $500,000) now outstanding in favor of the President and Directors of The Manhattan Company; (2) to pay the unpaid balance of $89,656 on its note (originally $97,856) to A. C. F. Motors Company; and (3) the balance of $160,344 (less expenses estimated at $3,500) to pay the cost of construction of extensions and betterments to the facilities of the company;

Notice of said filing having been duly given in the form and manner prescribed by Rule U-8, promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said application and declarations within the period specified in said notice or otherwise, and not having ordered a hearing thereon;

The above-named parties having requested that said application and declarations as filed become effective at the earliest possible date;

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant the said application pursuant to section 6 (b), and to permit the said declarations pursuant to Rules U-12B-1 and U-12C-1 to become effective; and being satisfied that the date of granting such application and the effective date of such declarations should be advanced;

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9, that the aforesaid application be and hereby is granted and the aforesaid declarations be and hereby are permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-2357; Filed, March 31, 1941; 11:23 a. m.]

[File No. 70-275]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY, MISSOURI GENERAL UTILITIES COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of March, A. D. 1941.

Central U. S. Utilities Company and Missouri General Utilities Company having filed a joint application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 10 (b), 10 (c) and 10 (f) thereof, regarding the following transaction:

Missouri General Utilities Company, wholly-owned subsidiary of Central U. S. Utilities Company, proposes to issue 2,000 shares of its common stock of no par value to its parent company, and the latter company proposes to acquire such stock, for a total cash consideration of $100,000.

The proceeds received from said transaction are to be used by Missouri General Utilities Company in construction of a double circuit 33 kv. transmission line 23.5 miles in length from Ste. Genevieve, Missouri, to the Ste. Genevieve County line in the direction of Flat River, Missouri, there to connect with the facilities of Union Electric Company of Missouri, to enable the Missouri General Utilities Company to meet the demands of its consumers by purchasing electricity from said Union Electric Company of Missouri;

Said joint application having been filed on March 8, 1941, and an amendment thereto having been filed on March 27, 1941; and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act; and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The above-named parties having requested that said applications, as filed or as amended, be granted at the earliest possible date;

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant the said application of Missouri General Utilities Company for exemption with respect to the issuance and sale of said securities, pursuant to section 6 (b), and to approve the said application of Central U. S. Utilities Company for the acquisition of such securities as in conformity with the standards prescribed by sections 10 (b), 10 (c) and 10 (f) of said Act; and being satisfied that the date of

granting such applications as amended should be advanced;

It is hereby ordered, Pursuant to said Rule U-8 and applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9, that the aforesaid applications as amended be and hereby are granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-2360; Filed, March 31, 1941; 11:24 a. m.]

]File No. 70-283[

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION, LOUISIANA PUBLIC SERVICE CORPORATION, WISCONSIN SOUTHERN GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28 day of March, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than April 15, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

American Utilities Service Corporation, a registered holding company, proposes to purchase certain securities of four of its subsidiary companies as follows:

American proposes to purchase 250 shares of the Common stock of no par value of Independence Waterworks Company, the consideration for 150 shares of such Common stock being $232,900, the proceeds of which, together with funds of Independence, will be employed by Independence for the redemption of 2,355 shares of its 6% Preferred stock, of the par value of $100 per share of which Preferred stock 2,329 shares are presently owned by American. The remaining 100 shares of such Common stock of no par value of Independence will be purchased by the company from time to time at the price of $1,000 per share, to the end that Independence may reimburse its treasury for capital expenditures heretofore made, or may have available the funds required for additions, extensions and betterments required for its properties.

American proposes to purchase 750 shares of Common stock of no par value of Louisiana Public Service Corporation for the consideration of $30,000 which Louisiana will use for additions, extensions and betterments required for its properties.

American proposes to purchase 2,000 shares of Common stock of the par value of $50 per share of The Suburban Water Company of Allegheny County, Pennsylvania, for the consideration of $100,000, which Suburban will use for additions, extensions and betterments required for its properties.

American proposes to purchase 500 shares of Common stock, of a par value of $100 per share, of Wisconsin Southern Gas Company for a consideration of $50,000, which Wisconsin will use for additions, extensions and betterments required for its properties.

Louisiana Public Service Corporation and Wisconsin Southern Gas Company, being public utility companies, have also applied for approval of the issuance of said securities by them.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-2359; Filed, March 31, 1941; 11:24 a. m.]

[File No. 70-289]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29 day of March, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than April 11, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

American Utilities Service Corporation, a registered holding company, proposes to invest not to exceed $55,000 in the Common Stock and/or 6% Convertible Preferred Stock of Southeastern Telephone Company, its non-utility subsidiary company. Purchases will be made from non-affiliates at not to exceed $14.50 per share for Common Stock and $25.00 per share for the 6% Convertible Preferred Stock.

The company also proposes to make purchases of such Common Stock and 6% Convertible Preferred Stock at the market prices thereof from time to time but not to exceed $14.50 per share for the Common Stock and $25.00 per share for the 6% Convertible Preferred Stock.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-2356; Filed, March 31, 1941; 11:23 a. m.]

[File No. 812-31]

IN THE MATTER OF HUDSON TRADING & INVESTING CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of March, A. D. 1941.

An application having been filed by the Hudson Trading & Investing Corporation, an unregistered company, for an order granting an exemption from all of the provisions of the Act under section 6 (c) of the Investment Company Act of 1940.

It is ordered, That a hearing on the matter of the application of the above named applicant under the applicable provisions of said Act and the rules of the Commission for exemption from all of the provisions of the Investment Company Act of 1940 be held on April 10, 1941 at 9:45 o'clock in the forenoon of that date in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated for that purpose, shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons concerned or to

any person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-2355; Filed, March 31, 1941; 11:22 a. m.]

[File Nos. 70-259, 31-509]

PENNSYLVANIA GAS & ELECTRIC CORPORATION, PENNSYLVANIA GAS & ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of March, A. D. 1941.

Applications and declarations having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named persons concerning the following:

Pennsylvania Gas & Electric Corporation, a registered holding company, proposes to acquire from its subsidiary, Pennsylvania Gas & Electric Company, all of the outstanding common stock of The Petersburg & Hopewell Gas Company, consisting of 5,500 shares (par value $100 per share), for the sum of $350,000.

Pennsylvania Gas & Electric Corporation in connection with the acquisition of said stock proposes to surrender to Pennsylvania Gas & Electric Company for cancellation, as a donation, 20,000 shares of the common capital stock of Pennsylvania Gas & Electric Company of the par value of $10 per share.

Pennsylvania Gas & Electric Company has applied for exemption from registration as a holding company pursuant to section 3 (a) (1) of the Act, said application being predicated upon the state of facts which will exist subsequent to the consummation of the aforesaid sale of its interest in The Petersburg & Hopewell Gas Company.

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a joint hearing be held with respect to said applications and declarations, and that said applications shall not be granted or said declarations become effective except pursuant to further order of the Commission, and that at said joint hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a joint hearing on such applications and declarations under the applicable provisions of said Act and the Rules of the Commission thereunder be held on April 8, 1941, at 10:00 a. m. in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice. Notice of such hearing is hereby given to such applicants and declarants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party in such proceeding shall file a notice to that effect with the Commission on or before April 5, 1941.

It is further ordered, That without limiting the scope of issues presented by said applications and declarations, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the consideration of $350,000 proposed to be paid for the outstanding common stock of The Petersburg & Hopewell Gas Company, consisting of 5,500 shares (par value of $100 per share), is reasonable, both as to the seller, (Pennsylvania Gas & Electric Company) and the buyer (Pennsylvania Gas & Electric Corporation).

2. Whether it is appropriate for the Pennsylvania Gas & Electric Corporation to donate and for the Pennsylvania Gas & Electric Company to receive 20,000 shares of the common stock of said company of the par value of $10 for the purpose of creating a capital surplus and charging its loss on the sale of the aforesaid stock of The Petersburg & Hopewell Gas Company against such capital surplus.

3. The conformity of the proposed transfer of the common stock of The Petersburg & Hopewell Gas Company to the integration provisions of the Act.

4. The advisability of entering any order or orders pursuant to section 12 (f) of the Act with respect to the transaction proposed to be had between affiliates.

5. Whether the granting of an exemption from registration as a holding company under section 3 (a) (1) or any of the transactions proposed will in any way be detrimental to the public interest or to the interest of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-2353; Filed, March 31, 1941; 11:22 a. m.]